

MEETING
STATE OF CALIFORNIA
THE RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

RESOURCES BUILDING
1416 NINTH STREET
AUDITORIUM
SACRAMENTO, CALIFORNIA

FRIDAY, DECEMBER 19, 2008

8:37 A.M.

JAMES F. PETERS, CSR, RPR
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APPEARANCES

BOARD MEMBERS

Mr. Benjamin Carter, President

Mr. Butch Hodgkins, Vice President

Ms. Lady Bug Doherty, Secretary

Mr. John Brown

Ms. Teri Rie

Ms. Emma Suarez

STAFF

Mr. Jay Punia, Executive Officer

Mr. Eric Butler, Senior Engineer

Ms. Virginia Cahill, Legal Counsel

Mr. Dan Fua, Supervising Engineer

Mr. Gary Hester, Chief Engineer

Ms. Lorraine Pendlebury, Staff Analyst

DEPARTMENT OF WATER RESOURCES

Mr. Jeremy Arrich, Chief, Flood Project Integrity and
Inspection Branch

Mr. Gary Bardini, Chief, Hydrology & Flood Operations

Mr. Steve Bradley, Chief, Statewide Flood Planning Office

Mr. Bill Croyle, Chief, Flood Operations Branch

Ms. Nancy Finch, Legal Counsel

Mr. Noel Lerner, Chief, Maintenance Support Branch

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APPEARANCES CONTINUED

DEPARTMENT OF WATER RESOURCES

Ms. Elissa Lynn, Senior Meteorologist

Ms. Erin Mullin

Mr. Ricardo Pineda, Chief, Floodplain Management Branch

Mr. George Qualley, Chief, Division of Flood Management

Mr. John Yego, Chief, Floodway Protection Section

ALSO PRESENT

Mr. Mark Connelly, San Joaquin County Public Works

Mr. Tom Eres, Hofman Ranch

Mr. Scott Parker, United States Army Corps of Engineers

Mr. Rick Reinhardt, MBK Engineers

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1 PROCEEDINGS

2 PRESIDENT CARTER: Good morning, ladies and
3 gentlemen. If I could ask you to take your seats, we'll
4 go ahead and bring the meeting to order.

5 This is the Central Valley Flood Protection Board
6 meeting for December 19th.

7 Mr. Punia, could you please call the roll.

8 EXECUTIVE OFFICER PUNIA: Jay Punia, Executive
9 Officer of the Central Valley Flood Protection Board.

10 Except Board Member Teri Rie, the rest of the
11 Board members are present.

12 PRESIDENT CARTER: Thank you.

13 Move on to Item 2, Approval of the Minutes for
14 September 18th, 2008, Tour and the October 17th Board
15 Meeting.

16 Mr. Punia.

17 EXECUTIVE OFFICER PUNIA: September 18th tour
18 minutes are not included in your package. What happened,
19 Geoff Shumway lost the file and we had to recreate the
20 minutes for the tour. So we'll bring the tour minutes at
21 a future meeting. But the October 17th meeting minutes
22 are for your consideration.

23 PRESIDENT CARTER: So we'll entertain a motion to
24 approve the October 17th Board meeting minutes.

25 BOARD MEMBER BROWN: So moved, Mr. Chairman.

1 SECRETARY DOHERTY: Second.

2 PRESIDENT CARTER: We have a motion and a second.

3 LEGAL COUNSEL CAHILL: Was there a correction? I
4 believe somewhere there was Mark Cowin's name -- was it in
5 these minutes that Mark Cowin's name was misspelled?

6 STAFF ANALYST PENDLEBURY: Yes.

7 LEGAL COUNSEL CAHILL: And you fixed it already?

8 STAFF ANALYST PENDLEBURY: I fixed it, yes.

9 LEGAL COUNSEL CAHILL: Okay. Thank you.

10 PRESIDENT CARTER: Okay. We have a motion and a
11 second.

12 Any discussion?

13 All those in favor indicate by saying aye?

14 (Ayes.)

15 PRESIDENT CARTER: And opposed?

16 The motion carries unanimously.

17 Thank you.

18 Move on to Item 3, Approval of the Agenda for
19 today.

20 Are there any suggested changes to the agenda for
21 today?

22 Mr. Punia.

23 EXECUTIVE OFFICER PUNIA: Yes. Staff has a few
24 recommendations for the Board's consideration. On Consent
25 Item 7, staff is recommending that 7A, B, C, D, E, and G

1 be removed from the agenda. And 7F should remain on the
2 agenda.

3 The reason for this recommendation is that we
4 haven't received the U.S. Army Corps of Engineers'
5 endorsement for these permit applications. And,
6 consequently, the staff hasn't prepared the staff reports
7 so that the Board can make the decision on this.

8 So staff recommendation is that 7A, B, C, D, E,
9 and G be removed from the agenda for a future meeting.

10 And Item No. 13, Board Sponsored Projects and
11 Study Agreements, West Sacramento Project. At the request
12 of the West Sacramento Area Flood Control Agency and the
13 Department of Water Resources, staff is recommending that
14 this project be postponed for a future meeting.

15 The Department and the West Sacramento Area Flood
16 Control Agency is continuing discussions on the cost of
17 this project with the U.S. Army Corps of Engineers. So
18 they are recommending that the Board postpone its
19 consideration for our next meeting.

20 And the closed session, the Item 18, Michael Crow
21 of the Department of Justice requested that we postpone
22 the closed session for the January meeting. By mistake,
23 the language indicated on the agenda is not correct. So
24 staff is recommending that we postpone the closed session
25 discussion for a future -- the January meeting also.

1 SECRETARY DOHERTY: Is that all?

2 EXECUTIVE OFFICER PUNIA: That's it.

3 SECRETARY DOHERTY: Then I make a motion that we
4 approve the agenda as amended, with the elimination of 7A,
5 B, C, D, E, and G, 13 and 18.

6 PRESIDENT CARTER: Okay. We have a motion on the
7 floor to --

8 BOARD MEMBER BROWN: Second.

9 PRESIDENT CARTER: -- approve the agenda as
10 amended per staff's suggestion, and a second.

11 Any discussion?

12 All right. All those in favor indicate by saying
13 aye.

14 (Ayes.)

15 PRESIDENT CARTER: And opposed?

16 Motion carries unanimously.

17 We'll move on to Item 4, Public Comment.

18 This is the time when the Board invites members
19 of the public to come up and address the Board on issues
20 of their concern that are not agendized for today.

21 The public is also welcome to comment on items
22 that are on the agenda. We will address those comments as
23 those agenda items are considered by the Board.

24 But if there are items that the public wants to
25 bring before the Board that are not on the agenda for

1 today, they're welcome to do that.

2 We do ask that you fill out the little 3 by 5
3 cards, a stack which are at the entrance to the auditorium
4 and also available here at the front from Ms. Pendlebury.
5 I do not have any of those cards at this time.

6 Are there any members of the audience or the
7 public that wish to address the Board on non-agendized
8 items?

9 Seeing none, we'll move on to Item 5, Report of
10 the Activities of the Department of Water Resources.

11 Mr. Qualley.

12 Good morning and welcome.

13 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY: Good
14 morning, President Carter and members of the Board. Happy
15 to be here this morning.

16 For the report, I'm very pleased to tell you that
17 I'm going to totally ignore what we had submitted to you
18 for water conditions, which, of course, is all bad news
19 about how dry it is.

20 Mention a little bit about the encouraging storm
21 that's coming in. The article in the Bee today may be a
22 little bit overstated. It made it sound like armageddon
23 was coming near. But basically for the major river
24 systems and for the reservoirs, it's all good news. As
25 you well know, we've got lots and lots of room in the

1 reservoir systems and so there's plenty of room to hold
2 the rain that will be coming in from that storm.

3 I got our QPF forecast, Quantitative
4 Precipitation Forecast for the Feather basin. And like
5 our 10-day QPF is a cumulative total of about 8.7 inches.
6 And about 6 1/2 of those inches are on the Christmas Eve,
7 Christmas, and the day after Christmas. And that's a nice
8 winter storm.

9 That's the kind of deal we like to have. Oh,
10 maybe four or five, maybe even six of those during the
11 course of a season and that makes a nice -- that's a nice
12 wet season. So for the major river systems, for the
13 reservoirs, it will be a nice shot to get us started.

14 There will, of course, be in the -- like in the
15 coastal areas where you have -- and possibly on the north
16 coast where you have unregulated streams, there could be
17 some issues there with high water in some of those
18 streams, because they come up and down very quickly. And
19 also in the areas that had -- the burn areas over the last
20 year, because it is expected, you know, not only northern
21 California but some pretty good shots are into southern
22 California as well.

23 So we are, you know, in cooperation with a lot of
24 other agencies, you know, watching those areas and, you
25 know, in the event that debris flows might be taking

1 place.

2 But overall in terms of water supply, it's
3 looking good. We certainly don't expect any river stages
4 on the major river systems to get to the monitor level or
5 to have any weir flow. As a matter of fact, some of the
6 reservoir operators probably will decrease their flows,
7 because they're making releases for water supply right
8 now. And with the rainfall coming in, some of that will
9 be, you know, provided from up above. So they maybe don't
10 even have to make as many releases for the -- after the
11 near future in order to capture as much of that water as
12 possible.

13 Flood Operations Branch. We have several pages
14 on that. And then I'm only going to mention a couple of
15 things in my report, because at one o'clock you'll be
16 having a pretty comprehensive sort of a tag team report on
17 our -- you know, kind of the system status. And Bill
18 Croyle from Flood Operations and Noel Lerner from Flood
19 Maintenance and Jeremy Arrich from our Inspection Group
20 will be giving you a pretty thorough update on that. So,
21 like I say, I'll just mention a couple of things as I go
22 through here.

23 And, you know, we have been doing a lot of
24 preparation activities with our partners, with the county
25 OES offices, and meetings where we are joined at a lot of

1 these pre-season meetings by the staff from our partners,
2 the Weather Service, Corps of Engineers and CCC and OES to
3 go to smaller group meetings throughout northern
4 California. And a total of over a hundred people have
5 attended these -- several of these meetings through
6 December.

7 Also have done a lot of early season training --
8 flood fight training. We've trained over 400 people in
9 flood fight training. So that's an ongoing process,
10 because you get turnover of people, both within the
11 Department and in other agencies. And also you just need
12 to keep fresh.

13 On the fourth page it talks about some of the
14 activities with the Santa Barbara County and Orange County
15 mud and debris flow and, you know, various activities,
16 kind of preparation activity there moving our containers
17 of flood fight materials into -- you know, closer to where
18 they can be used in Santa Barbara County and Orange
19 County.

20 And, in fact, in mid-December, between the 12th
21 and the 15th, there was -- we had some rainfall down there
22 at that time. And they're beginning to use some of those
23 materials. So we have prepositioned materials and are
24 cooperating with the local agencies for work that might
25 need to be done if they do get substantial debris flows.

1 We've been doing a number of upgrades to our
2 various systems within the Flood Operations Center. I've
3 mentioned some of those in the past. And I think I'll
4 just leave those to Bill Croyle to give you some more
5 detail on that. I don't want to steal his thunder for his
6 presentation later on.

7 Likewise, we've done a number of exercises --
8 tabletop exercises, field exercises, both in the Delta.
9 We did one on Twitchell Island on December 10th, and on
10 the 12th had a tabletop exercise testing the current draft
11 of our Delta Emergency Operations Plan.

12 Skipping down to Delta Levee Programs. There's
13 been a number of work agreements that have been signed,
14 about 15 signed so far. And they anticipate reimbursing
15 districts a total of about \$17 million in the Delta Levee
16 Subventions Program.

17 And also the DRMS study, Delta Risk Management
18 Study, is almost complete. Both the Phase 1 and Phase 2
19 reports should be available around the end of January
20 2009.

21 Skipping ahead to Flood Project Development
22 Branch. This is the one that we don't have in every
23 month. Typically, every quarter is when we give you a
24 rundown on all the projects from Flood Project Development
25 Branch. And it indicates things are moving along on the

1 joint federal project at Folsom.

2 Various design activities are underway. And, you
3 know, the entire project is scheduled for completion in
4 2015, and overall things still remain on schedule to
5 achieve that goal.

6 American River Common Features, that design is
7 moving along. And they did complete almost a mile of
8 cutoff wall on the Mayhew Drain area. One thing that they
9 weren't able to complete this year, there's a closure
10 structure that needs to be put in place on that. And that
11 will be completed in 2009.

12 And just to show you how long it takes sometimes
13 to be able to get all of these things done - that work was
14 authorized by the Water Resources Development Act of 1999.
15 And there was also work that was authorized in WRDA of
16 '96. You just need to keep plugging away with, you know,
17 working with the Corps and working with the local
18 agencies, working with the federal appropriations, state
19 appropriations. We certainly want to have that process
20 move along more quickly in the future. So sometimes it
21 does take a long time to get things done. The important
22 thing is they are getting done.

23 We did complete emergency repairs at Pritchard's
24 Lake pump station -- I'm on page 12 now -- on River Mile
25 75 up in the Garden Highway area. That was a critical

1 site that developed in the 2006 time period, and some
2 interim repairs were made. And so what's been completed
3 is what we consider to be a permanent fix.

4 South Sacramento County Streams Project is moving
5 forward. That's going to be helping kind of in the, as
6 the name implies, the south Sacramento area with a number
7 of the local streams there at Morrison Creek, Florin
8 Creek, Elder Creek, and Unionhouse creek. And, again,
9 this project has been in the mill for a long time and it's
10 good to see that now moving through the construction
11 phase.

12 In the West Sacramento project, the GRR, General
13 Reevaluation Report, is underway. And we're anticipating
14 that that will lead to a Chief of Engineer's report in
15 December of 2011. And then it would be ready for
16 authorization under a Water Resources Development Act.

17 Yuba River Basin Project, and the GRR there is
18 continuing. And there's a number of conversations going
19 on with the Corps on that GRR study, where, you know,
20 there's bi-weekly project development team meetings,
21 there's monthly executive management team meetings. We
22 just had one yesterday. And so we're watching closely all
23 phases of that to make sure that we, you know, do get all
24 the various authorizations we need to be able to move
25 forward; like, for example, with the Marysville Ring Levee

1 Project, we all want to get that project moving as quickly
2 as possible. We want to do it using credit that is
3 obtained from other aspects of the Yuba Basin Project.
4 And that takes a lot of complicated negotiations and
5 agreements and using special sections of federal authority
6 to do that.

7 So we're, you know, all familiar with sections,
8 you know, 103, 104, all these different things that allow
9 you to get credit. And Section 103, for example, allows
10 to delay the non-federal contribution until the federal
11 credit can be available, but it allows the work to go
12 forward sooner that way.

13 So working every angle to get that work -- that
14 important work done as quickly as possible, but doing it
15 in a way that leverages our state and local funds to the
16 maximum possible with federal funds.

17 Sutter County Feasibility Study is moving
18 forward. They have been working to develop an amendment
19 to the Feasibility Cost Sharing Agreement. So it's, like
20 I said, you know, working closely with the Sutter Butte
21 Flood Control Agency that was formed about a year ago.

22 Similarly, the Lower Cache Creek there's interest
23 there with the locals on moving that forward. So we're
24 working in conjunction with them and the Corps on that.

25 And also the Lower San Joaquin Study which you're

1 all familiar with, that we're just about at the finish
2 line to be able to get all the agreements signed on that
3 and have that study officially underway.

4 The Orestimba study, the current projection is to
5 have the formal NED plan available in early February.
6 We've seen some early calculations on that last fall. But
7 they've been doing additional analytical work on that
8 following, you know, various meetings with -- you know,
9 with the local agencies and the State and the Corps.

10 BOARD MEMBER BROWN: George, I know we've talked
11 about that one before. But have you considered any
12 further doing any water yield analysis on Orestimba what
13 the potential is?

14 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY: As a
15 general principal, of course, it's always a good idea to,
16 you know, to look at all the possible angles on these
17 studies. But this -- you know, for the flood control
18 element of this, it's -- after we've had discussions,
19 it's -- in order to introduce that at this stage, it would
20 really involve some significant delays in getting to a
21 decision, probably in the order of a year or so.

22 So the thinking is to move forward as it is with
23 the flood control element to get the flood risk reduction.

24 BOARD MEMBER BROWN: I know several years ago
25 they did water yield analysis on all 17 sites on that west

1 side, including Los Banos Grande and Orestimba and -- and
2 all of them. I wonder if that information is still
3 available.

4 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

5 Yeah, we did some research on that with our folks
6 that were working on various alternative reservoir studies
7 in the Department. You know, they looked at a number of
8 sites a few years ago to, you know, determine where -- you
9 know, where the most likely sites might be to develop.
10 And of course the sites, reservoir location where there
11 was one that the Department is pursuing an evictive --
12 also an enlargement of Los Vicaros. And this is one of
13 the ones where, you know, there were -- yeah, there were
14 potential water supply improvements there. But it just
15 didn't rise to the level of -- oh, what's the right
16 word? -- efficiency, cost benefit as some of other ones.
17 It just wasn't possible to pursue all those things. So it
18 was -- the decision was made to pursue those other
19 options.

20 BOARD MEMBER BROWN: But you may want to just
21 look at that for the fun of it, if nothing else. I know
22 Los Banos Grande required a peripheral canal to develop
23 the sufficient yield to justify the project. Or at one
24 time Orestimba did not require a peripheral canal to
25 develop the yield out of the Delta.

1 If you get a chance, you may just -- it might be
2 worth at least making sure that that's something you want
3 to pass up on.

4 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

5 Okay. Moving to Floodplain Management Branch.
6 They're working on a variety of activities as part of the
7 Risk Notification Program. They're developing the local
8 flood protection zone maps, which is one of the
9 requirements of the legislation that we passed in October
10 of 2007. And they scheduled a workshop for the San
11 Joaquin Valley area next month. And there'll be a
12 preliminary set of these LFPZ maps provided to the board
13 by the end of this month.

14 Well, similarly, the Senate Bill 5 Building Code
15 Project is moving forward. It's one of those things that
16 where timing of how you can actually implement this is
17 kind of out of phase with the legislative direction. The
18 legislative direction indicates that, you know, thou shalt
19 send a plan forward by January 1st. But the reality is
20 that, you know, the bodies that act on these type of
21 building code things don't actually act on them until the
22 middle of the year. So we're kind of working both sides
23 here to -- you know, there's been a lot of good work done
24 on them.

25 It's not ready for a final product yet, you know,

1 to actually say, you know, this is what we plan to
2 introduce. Because one of the important factors is that
3 we need, you know, public input on it. And so we are in
4 communication with staff at the Legislature and, of
5 course, within the State administrative system too, you
6 know, to articulate this timing issue.

7 And our plan is to, you know, move forward with
8 the technical work and with the public workshops and
9 probably provide some kind of an informational briefing
10 to, you know, whoever that needs to go to within the
11 Legislature. But then move forward along the lines of the
12 timing of -- and I wish I could remember the name of the
13 group right now, it escapes me -- but, you know, the
14 entity that acts on building codes and work this into
15 their schedule.

16 So, like I say, a lot of good work has been done
17 on this. Your staff member Dan Fua has been an active
18 participant. And I think we're moving towards -- we have
19 some good recommendations out of that. But it's
20 critically important on this to have -- you know, to have
21 the public input in this process.

22 Levee Repairs Branch. Just not a lot of
23 difference between last month and this month. I mean, we
24 did -- as I said last month, we accomplished a lot of work
25 this year, both on the Sacramento and the San Joaquin

1 system, with dozens of sites being, you know, completed on
2 the Sacramento system and like 127 PL 84-99 sites being
3 completed throughout the system, as well as a slurry wall.
4 So it was a very productive year for the levee repairs
5 group.

6 There are some additional sites being planned for
7 in 2009, both in the Sac Bank Program and on the critical
8 erosion repairs. I believe there's five sites in the --
9 five additional sites in the San Joaquin that are planned.
10 And as I said, your 34 for 2009-2010.

11 And one thing we're working really hard on doing
12 is -- and really pressing the Corps on the ones they're
13 participating on is to get the designs done and, you know,
14 get them up to a point where they're providing good
15 information to our right-of-way staff, because it makes it
16 really difficult to move these projects forward when you
17 start with preliminary right-of-way information and you're
18 working off rights of entry and you're basically doing
19 everything twice. And there's just so much workload in
20 that particular group right now, it makes it very
21 difficult for them. So we're working really hard together
22 with the Corps to get better information to the
23 right-of-way people before they, you know, get started
24 with their process so they can do what they need to do.
25 And it really -- it takes them a significant amount of

1 time to really go through all the steps properly.

2 So, you know, we're working hard to get that on a
3 track to where we're not jamming that one segment of our
4 staff on this.

5 Urban Levee Evaluations. They're proceeding on
6 schedule, working in a number of areas. And, again, in
7 the interests of time, I don't plan to highlight any in
8 particular. We've, you know, talked about those in the
9 past.

10 The Non-Urban Levee Evaluations Program is kind
11 of getting underway. Of course, we focused on the urban
12 levee evaluations first. And within the last year, we
13 formed the Non-Urban Levee Evaluations Branch. And so
14 they're, you know, currently going through a process, you
15 know, to define how they're going to approach that. You
16 know, it certainly isn't practical to do a detailed
17 evaluation of all 1,250 miles of non-urban levees. It was
18 kind of a no-brainer on the urban levees that you really
19 need to look at them all in the urban levee side. But
20 just the realities of the cost of doing this kind of work
21 requires that everybody take a step back and see, okay,
22 what's the best approach on the non-urban levees? So
23 that's a high priority right now to define exactly how
24 that work will proceed.

25 And with that, I just wanted to flag for your

1 attention -- and, again, I don't want to steal thunder
2 from any of the folks that will be briefing you later.
3 But we included as an attachment a four-pager prepared by
4 the Hydrology and Flood Operations Office, just an
5 excellent summary of what that office has accomplished
6 during the year.

7 And on the last page of it, you know, provided
8 critical success factors for their work, which is -- again
9 indicates a really creative thought process on their part
10 to take a step back and just articulate, you know, what
11 are the things that are really important for this
12 particular group to be able to accomplish what they do.
13 So I congratulate them for this thorough job on their
14 accomplishments and highly recommend that you take a close
15 look at it.

16 And with that, that's all I have. And I'd be
17 happy to take any questions that you may have.

18 PRESIDENT CARTER: Are there any questions for
19 Mr. Qualley?

20 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY: I
21 should probably say, I mean -- and one of the things of
22 course that's high on all of our minds is the budget
23 situation. And of course, as you might expect, we've been
24 going through every type of drill imaginable. It's kind
25 of ironic, because a couple of weeks ago we were doing

1 drills on economic stimulus, both for federal economic
2 stimulus and state economic stimulus, and -- and those
3 things are still not off the table. But then the irony is
4 a week or -- a little after that, then we're doing General
5 Fund cut drills.

6 And then, of course, the most recent shoe to drop
7 was -- and this wasn't unexpected, where the Pooled Money
8 Investment Board decided they just needed to call things
9 to a halt while this whole budget situation gets sorted
10 out. Because the way it works for the bond funds is that
11 you don't sell -- and many of you probably know this, so I
12 apologize if I'm duplicating information that you already
13 know about -- but you don't just sell bonds all the time.
14 There's a pooled money investment account that is kind of
15 a revolving fund that the state has. It has a lot of
16 money in it for various sources. And what you typically
17 do is you make a loan out of the pooled money investment
18 account. And then when the Treasurer deems it necessary
19 to -- you know, to infuse more money, then they'll sell,
20 you know, whatever bonds they need to sell. And, of
21 course, if you're going to sell bonds, you want to be able
22 to -- well, first of all, you need somebody that's
23 interested in buying them, so credit rating comes into
24 play. And that also plays into the interest rate that you
25 would be paying.

1 And current atmosphere with the State's budget
2 situation isn't good. Somebody told me the other day that
3 California has the lowest credit rating at the moment of
4 all the 50 states just because of the uncertainty of
5 things.

6 So, anyway, it's frozen, you know, for the
7 moment. We have funds that we have already obtained
8 through loans -- well, us and other agencies operating off
9 the bond. So there is, you know, some cash in place.
10 We're doing a lot of evaluation and providing information
11 to Finance and others on what is our projected burn rate
12 for various categories of bond funds. You know, there's a
13 lot of internal staff that are -- the work they're
14 charging on is through the bond funds. And a number of
15 consultant contracts and, of course, a number of projects
16 that are in various stages of either construction or ready
17 to go to construction. And all of those things are a
18 priority for us. The management certainly is, you know,
19 working to, you know, make sure that during this interim
20 period where we've got a finite amount of money that we
21 can use for cash flow that we're, you know, prioritizing
22 things appropriately. And the bottom line is, until the
23 Legislature decides on how to deal with this situation,
24 that's probably how long the freeze will stay in place.
25 Because the Pooled Money Investment Board, you know,

1 determined that they just can't keep going until that's
2 resolved.

3 So hopefully the Legislature will act however
4 they have to act. And then there will be some, you know,
5 period of time to figure out exactly what that means.
6 And, you know, it doesn't seem logical that this would
7 stay frozen indefinitely. But there isn't any of us that
8 can give a timeline right now. I think it's -- my
9 personal opinion is that it's dependent on action by the
10 Legislature to say, "Okay. Here's going to be the path
11 forward with the budget situation," and then, you know,
12 things can start flowing again.

13 PRESIDENT CARTER: With regard to that, Mr.
14 Qualley, what are the implications for the early
15 implementation projects that we have ongoing right now?

16 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

17 Well, they're obviously very high on the priority
18 list. There's -- you know, for the work that's already
19 underway, my understanding is that there's probably enough
20 in the cash flow to keep those going.

21 For new work, though, we would be getting
22 started. You know, we just put our EIP guidelines out --
23 I think they're out on the website now. They were -- got
24 signed off by the Director the other day. So we'd be
25 soliciting for, you know, for additional projects. And we

1 probably will go ahead and solicit. But we would not be
2 able to, you know, execute any funding agreements and move
3 those projects forward until the cash flow from the bonds
4 is restored.

5 PRESIDENT CARTER: Okay. There recently was a
6 report by the Legislative Analyst's Office regarding
7 options for funding the state budget. And one of those
8 involved funding the operations of the Central Valley
9 Flood Protection Board through fees and assessments.

10 Did the Department weigh in on that? Did the LAO
11 contact the Department, do you know? I don't believe they
12 contacted the Board. I wonder if they contacted --

13 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

14 Those type of things, you know, come up in almost
15 every budget crisis we've ever had. I know in a previous
16 cycle several years ago it came up. I can't tell you off
17 the top of my head whether that specifically came up, but
18 it always does. Our answer has always been that, yeah,
19 it's a good idea, and then laying out just the realities
20 of how difficult that would be to administer.

21 Plus, that's not the type of thing you do to
22 resolve a short-term budget situation. It might be a
23 great idea for the long term. And if somebody makes a
24 decision to do that, then, by golly, five years from now
25 we can have that in place and it works great. But if

1 you're talking about resolving an imminent issue, it just
2 doesn't work. It just takes too long to put something
3 like that in place.

4 So that's been the essence of our comments in the
5 past. And, like I say, I can't tell you specifically
6 whether it has come up in recent days or weeks.

7 PRESIDENT CARTER: Okay. And I notice on the
8 agenda for January we have the emergency erosion repairs
9 for the Cache Creek and potential resolution of a
10 necessity for imminent domain.

11 Can you give us a flavor of what the issues are
12 with regard to coming to an agreement with -- between the
13 state and the property owners there? I mean, what is the
14 stumbling block?

15 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY: I
16 probably can't go into as much detail as Mike Inamine or
17 Paul Sandhu could do. But, in general, it's -- you know,
18 there's two sides. There's been a lot of discussion and
19 negotiations. And the Board members that were on the tour
20 awhile back, you know, got a bit of a briefing on that
21 from Mike at the time. And, you know, we tried and tried
22 and tried to negotiate with the landowner. And it's
23 just -- it's just at an impasse. I mean, it's -- if this
24 worked -- you know, we've become convinced that if this
25 work gets to proceed, then it's -- and the idea is that we

1 need property from a landowner in order to have a setback
2 in one, you know, erosion site, which many of you saw.
3 And the cost to do that repair without doing a setback
4 would just be astronomical, both in terms of the
5 construction work and environmental mitigation. You'd
6 have to be associated with that.

7 So really from all fronts, both in terms of cost,
8 in terms of environmental impacts and in terms of
9 effectiveness, really the best solution in that area -- in
10 that reach of Cache Creek is a setback. And unfortunately
11 that would require some of the landowners' property, and
12 they haven't been willing to come to agreement. And I'm
13 not saying anything to be critical of a landowner. I grew
14 up on a farm in North Dakota, and I can fully understand a
15 landowner taking that position they have the right to do
16 that. But that's the issue as I understand it.

17 PRESIDENT CARTER: Well, is it that -- is there
18 some concern of the landowner that there's no price that
19 the State could pay to compensate them for a piece of
20 property that's of a special interest to them or -- I
21 mean --

22 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY: I'd
23 be going beyond my knowledge of the specifics to venture a
24 statement on that. I could, after I'm done with the talk
25 here, try to get somebody that's more familiar with the

1 specifics of it to come down and talk with you. Either to
2 do it at this forum, or it might be preferable to, you
3 know, get -- you know, work with Jay and get briefing
4 material, you know, through him back to the Board members.
5 I mean either way I'm willing to follow up.

6 PRESIDENT CARTER: Okay. Yeah, I -- when we were
7 on the tour two months ago or three months ago, the team
8 mentioned that this was a possibility, they were still
9 working on negotiations, and were optimistic at the time.
10 Although, they were cautiously optimistic. But I didn't
11 get a flavor of really, you know, what the true issues
12 were and what the negotiating points were on that. And
13 now that we're faced with potentially having to make a
14 decision in a month, it would be nice to have some
15 advanced knowledge of that just for consideration.

16 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY: I
17 will mention one other thing, that that sometimes is a
18 feature of these type of situations. And, quite honestly,
19 I don't know if that is the situation here. But
20 sometimes, you know, as you know, we can only pay fair
21 market value based on an appraisal approved by DGS for
22 land. If there is a condemnation situation and there's a
23 Corps judgment on what the amount ought to be, then the
24 state could pay an amount higher than that.

25 So, you know, sometimes resolution comes out

1 during that process. Like I say, I do not know if that's
2 the case here, but that's the only way that we could pay a
3 higher amount. I mean, you know, I'm sure they were
4 offering fair market value. We can't offer more than that
5 unless it's, you know, a judicial situation.

6 PRESIDENT CARTER: All right. Well, I'm sure
7 team -- I mean, it's always necessarily a question of
8 money. It's sometimes a question of perhaps tweaking the
9 design or the location of the setback to, I don't know,
10 conserve something that is of -- that's invaluable to the
11 property owners. I don't --

12 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY: I
13 believe that --

14 PRESIDENT CARTER: Again, I don't have a good
15 flavor for it, so I don't know.

16 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

17 Yeah, I believe they have made some adjustments
18 to the original concept. I'm not a hundred percent sure
19 on that. But in the back reaches of my memory, I
20 believe -- because certainly the objective would be to
21 come up with a design that achieves the engineering
22 objective at the minimum take. And there might be
23 differences of opinion on what that is, but certainly our
24 engineers would have been striving to do that.

25 PRESIDENT CARTER: Okay. Thank you.

1 Any other questions for Mr. Qualley?

2 Thank you very much.

3 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY:

4 Okay. I'm going to have to duck out, because
5 I've got a meeting upstairs with the Corps. They have
6 a -- the person that used to be their highest civil
7 service employee and kind of a watershed expert -- and,
8 you know, in our Central Valley planning process, we want
9 to be, you know, taking an integrated approach and looking
10 at things on a watershed basis, you know, both from the
11 flood standpoint and from our integrated water management
12 folks. So we're going to be hearing some tales from this
13 individual and having a dialogue on that. So I apologize
14 for having to step out. I will come back to the meeting
15 after that discussion is complete.

16 PRESIDENT CARTER: Is that Mr. Robersshaw?

17 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY: His
18 name is -- no. It's actually a name that I wasn't
19 familiar with before this meeting. And that's -- it's
20 just not coming to mind right now. But he used to be
21 their top civilian employee in Washington.

22 BOARD MEMBER BROWN: We might check with them and
23 see if they have any influence in getting some of these
24 permits signed and out for us.

25 DIVISION OF FLOOD MANAGEMENT CHIEF QUALLEY: That

1 would be good.

2 Okay. Thank you.

3 PRESIDENT CARTER: Thank you very much.

4 Okay. Ladies and gentlemen, we'll move on to
5 Item 6, Three Rivers Levee Improvement Authority Monthly
6 Report.

7 Good morning, Mr. Brunner. Welcome.

8 MR. BRUNNER: Good morning, President Carter and
9 members of the Board. Happy Holidays, Merry Christmas, in
10 case I forget to say that when I leave.

11 I'm going to refer to our report that we have --
12 that you have in front of you, I believe, and go through
13 the various highlights that I think are worthy to share at
14 this time that are significant updates.

15 First, I'm going to start with an item that's not
16 in the report. It deals with what George was talking
17 about, the funding. We did issue a press release. I
18 believe, Jay, you had mentioned an Email back that you
19 were going to put it in our folders. We did send out a
20 press release yesterday, it dealt from the TRLIA
21 perspective about the funding crunch that the state is now
22 experiencing. And a couple of key points for us to come
23 across is that we do have funding to carry through until
24 about the March time period.

25 We have sufficient local funds that have come in.

1 Fortunately, Yuba County did go out and sell their bonds,
2 got good interest rates. So we have the local share set
3 in place to do our project.

4 The state has contributed close to \$80 million of
5 our \$138 million agreement. So they've substantially been
6 funding our program. Just last Monday we actually
7 received a \$10.7 million wire from the state for our
8 program. So we do have funding to go through.

9 This time of year, there's not a lot of heavy
10 construction going on. In fact, when we get to my
11 construction report, you'll see that. So weather's
12 actually working in our favor for expensing. So we'll
13 minimize our expenses as we go forward through this. But
14 the crunch time comes for us in March, when we start to
15 look to mobilize again to get ready to move forward with
16 our construction activities next construction season.

17 And the good news on that is that we're actually
18 prepared -- and as I go through the report -- we can
19 launch, because we have a lot of good news to report on
20 that area.

21 So with that, I'm going to go to really the
22 second page is for the updates and hit the construction
23 activities that we've got.

24 Starting at the top we've got segments 1 and 3.
25 Segment 3 is completely done now. So we have -- they're

1 off the levees. It's done. And so we'll be working
2 through and doing the as-builts and getting ready with the
3 O&M plan to work out and start that certification process
4 for that segment of the levee, at least the preparation
5 and the materials.

6 Segment 1 is completed, too. I mentioned about
7 The relief wells in my report were still pending. Those
8 are now done. We're off the levee.

9 We're still monitoring the crack that we talked
10 about just south of Star Bend. It's stable. It's
11 covered. We're working with the DWR folks and the Corps
12 and RD 784 to make sure that that's safe. And my
13 anticipation is that we will gather data on the crack all
14 the way through until probably around the March time
15 period, and then come up with a plan as to how to fix it.
16 And that plan can vary many different ways as to what we
17 need to do, to be very simple or more complex. And we're
18 prepared to do what that plan is next construction season.
19 In the meantime, we'll monitor it to make sure that it's
20 safe.

21 And we have an emergency reaction plan that we
22 put together. It's a draft. We're working with the state
23 folks also on that to get back their comments, incorporate
24 it. And I consider it like a living document. Any
25 emergency response plan is a living document. But we're

1 prepared to respond if something happens there.

2 So that's where we are at Segments 1 and 3.

3 On Segment 2, we've been talking a long time
4 about Federal EIS, 404, 408. Well, they're all done. The
5 Federal -- and that's really cool.

6 The Federal EIS document was signed. The ROD was
7 signed. And, in fact, I have the 404 and 408 brought here
8 in case someone wants to actually see it.

9 The 408 was issued. So we have permission to go
10 work on the levees. We have permission to go degrade the
11 levee from the Corps' perspective. We also have the 404
12 permit was issued. So we are postured to move forward and
13 launch.

14 A couple of things that we need to still work
15 through are the 104 credit. And I know that's working in
16 the backdrop on the tying in portion of a project. So
17 you'll hear us pushing about that and moving that forward.

18 But that's really terrific news for us, that we
19 worked through with our folks, prodding and working
20 cooperatively. The Corps did work with us, worked
21 overtime to get them out to meet their deadlines. And
22 thank you for them for doing that. But a long time coming
23 to get here.

24 Also, on the top of page 3, Item No. D, the last
25 time I was here, President Carter, you had mentioned about

1 having a way forward of incorporating the levees into the
2 federal system on it. And that was stimulated because of
3 my comment about the encroachment permit that we need to
4 have issued to degrade the levee. And we hope to have
5 that on the board soon.

6 I mentioned in the report that we were going to
7 meet with the state and the Corps on it. We did have that
8 meeting. And that was a successful meeting too. And a
9 couple of things really came out of that meeting that were
10 a little bit of a surprise to everyone.

11 For the Bear River levee, the Corps actually felt
12 as though they had already sent us a letter that was --
13 they had done that, had accepted it. They did not feel as
14 though they really needed to do that since they had
15 already issued the 408 permission. But to accommodate,
16 they felt that they had sent it. And the only thing that
17 they could find in their file was a draft letter. So the
18 feeling I think is -- and the letter was drafted to go to
19 Jay -- no one had actually received that letter, so I
20 guess they drafted it but failed to sign.

21 So they realized that they needed to do that. So
22 they have a process, a way forward to do that. The Corps
23 goes through and looks at the O&M plan as-builts and then
24 they will accept it via letter into the system. And so I
25 think there's a clear path.

1 And then the Bear River has already been
2 certified, so it passes all those things and it will go
3 right into the system. It should happen fairly soon.

4 Jay, I don't know if you've got a comment back
5 yet.

6 EXECUTIVE OFFICER PUNIA: I think Jim Sandner
7 confirmed that they will send us a letter, which will
8 close the loop. And the Bear River setback levee will be
9 part of the Federal Flood Control Project.

10 MR. BRUNNER: Okay. Thank you, Jay.

11 For the sake of the rest of the report, if
12 there's comments, I'll be glad to respond.

13 But there's one other thing that I wanted to
14 mention. And this one that was also very long and
15 sensitive last meeting was on the indemnification MOA on
16 it. And for that one I was going to ask Scott to come up
17 and talk about it. It's also positive news in that regard
18 too. But it has perhaps some legal twists to it.

19 So, Scott, if you could come.

20 MR. SHAPIRO: Good morning, President Carter,
21 members of the Board. Scott Shapiro, General Counsel for
22 Three Rivers Levee Improvement Authority.

23 Before I turn to the Indemnification Cooperation
24 Agreement, just one last quick comment on the
25 incorporation of the project levees after 408 approval is

1 received. I think it's important just to add one more
2 fact.

3 Jim Sandner pointed out that from the Corps'
4 perspective, the 408 approval is the incorporation
5 document. And I think it's important for the Board to
6 accept that the 408 approval is the incorporation
7 document, for one reason. Jim pointed out that once the
8 408 is issued, if the final letter confirming acceptance
9 hasn't yet been sent, and there would be a flood event, we
10 would seek PL 84-99 assistance for the new levee that had
11 been constructed even though there wasn't a new letter
12 sent. And the Corps would grant us PL 84-99 because the
13 Corps believes that the newly constructed levee, even
14 without the second letter, is still part of the federal
15 system.

16 So what we talked about is that this final
17 confirming letter wouldn't officially accept the new
18 levee. Rather it would confirm the previous acceptance.
19 So we didn't run into a problem where maybe one time the
20 Corps forgets to send the letter, and then there's a
21 problem on the levee.

22 And then we say, "Hey, Corps, help us with PL
23 84-99." And they say, "Oh, it's not part of the federal
24 system. We haven't sent a letter yet."

25 So we're trying to alter our terminology a little

1 bit and acknowledge that the 408 approval does accept it,
2 but then there's a later letter that confirms that
3 acceptance. And I think Jay agreed that that's probably
4 the sensible way to go.

5 PRESIDENT CARTER: Is there something in writing
6 that establishes that policy from the Corps?

7 MR. SHAPIRO: That's a great question. And Jim
8 Sandner very much believes there needs to be a federal
9 written policy that explains this process, and there isn't
10 right now. And one of the things we're going to do as
11 locals through association is to try to push for a policy
12 like that. What we will have is the practice of what
13 happened on the Bear River setback levee to create that
14 practice for the future. So there will be a letter, which
15 again, as Paul said, they, of course, thought they had
16 sent, which will get sent in the next week or two. And it
17 will confirm that 408 was the acceptance and that
18 everything that needs to be done was done and the levee
19 was constructed appropriately and they're happy with
20 everything. And then that practice will be the practice
21 repeated in the future.

22 PRESIDENT CARTER: Okay. Well, I have a
23 tremendous amount of respect for Mr. Sandner. That being
24 said, unless there is a written policy from the Corps with
25 regard to that practice, I, for one, would be reluctant to

1 just let it slide. And I would expect to have a letter
2 from the Corps saying that it has been accepted as part of
3 the process by virtue of the fact that it was -- a 408 was
4 granted and approved and that the O&M manuals have been
5 updated to reflect that the new setback levee is part of
6 the system.

7 MR. SHAPIRO: And that's exactly what the letters
8 will say.

9 PRESIDENT CARTER: So that's my expectation. And
10 I'm just one member of the Board. But we need -- it needs
11 to be in writing, because the players change, both at the
12 local and the national level.

13 MR. SHAPIRO: And Mr. --

14 PRESIDENT CARTER: We need to close the loop and
15 get the documentation in place.

16 MR. SHAPIRO: I agree. And Mr. Sandner confirmed
17 that the district is willing to accommodate your
18 expectation. Even though they don't believe they're
19 required to, in the interests of working with the Board,
20 they're willing to provide that letter and have it say
21 exactly what you just said.

22 PRESIDENT CARTER: Okay. Great.

23 MR. SHAPIRO: On the issue of the --

24 PRESIDENT CARTER: If somebody would inform me
25 when that happens, I would like to know.

1 EXECUTIVE OFFICER PUNIA: We will.

2 MR. SHAPIRO: On the issue of the Cooperation
3 Agreement, we have four copies of the Cooperation
4 Agreement signed by RD 484, Three Rivers Levee Improvement
5 Authority and Yuba County to present to you today for Ms.
6 Cahill's and President Carter's signature. We would ask
7 that perhaps that could happen during a break.

8 This item was debated at length by the Yuba
9 County Board of Supervisors and was not unanimously
10 approved. As a result of the approval, the Board
11 requested a letter that explains the county's position be
12 sent with it.

13 In the interests of time, I don't propose to read
14 the whole letter because much of it is background which
15 this Board knows very well. But I would like to briefly
16 read two paragraphs in the letter in conveying it back to
17 the Board.

18 The letter is written jointly by the Yuba County
19 Board of Supervisors and the Three Rivers Levee
20 Improvement Authority.

21 "On December 9th, 2008, the boards
22 of these two agencies reluctantly agree
23 to execute the Cooperation Agreement
24 approved by the Central Valley Flood
25 Protection Board at its November

1 meeting. The Cooperation Agreement is
2 attached for your signature, but this
3 approval is provided under duress as
4 explained below."

5 There's then a number of paragraphs
6 of background which I'll skip in the
7 interests of time.

8 "With this background, the
9 Cooperation Agreement came to the County
10 Board of Supervisors for consideration
11 on December 9th, 2008. The county
12 struggled with the offer of the Central
13 Valley Flood Protection Board
14 reconsidering its decision if an
15 inconsistent policy is later adopted."
16 You'll recall, you agreed that we could
17 come back if you decide something
18 differently. And the county struggled
19 with this, "remembering the Central
20 Valley Flood Protection Board's broken
21 promise from 2005 that the county would
22 not be singled out in terms of
23 indemnification. Ultimately, however,
24 the county board voted 3 to 1 in favor
25 of signing the Cooperation Agreement for

1 the same reasons as in 2005. First,
2 neither the county, RD 784, nor Three
3 Rivers could responsibly delay permit
4 issuance while the issue is litigated.
5 And, second, the Central Valley Flood
6 Protection Board has again promised
7 reconsideration if the Board adopts an
8 inconsistent policy.

9 "The county, 784, and Three Rivers
10 continue to believe that the Board's
11 decision is bad policy. But with no
12 choice but to accept this cooperation to
13 achieve 200-year flood protection for
14 the residents of south Yuba County, all
15 three have reluctantly signed the
16 cooperation agreement."

17 So I'm presenting that to you today. And
18 hopefully during the break, we can get signatures on the
19 agreement, which is in the form that Ms. Cahill approved.
20 And that will allow us to start construction next week.

21 Thank you.

22 PRESIDENT CARTER: Thank you.

23 Mr. Punia.

24 EXECUTIVE OFFICER PUNIA: This issue that the
25 local representative has approached the Board to establish

1 a subcommittee of the Board on this subject, so staff
2 agrees with the local representatives and recommends to
3 the Board that a subcommittee may be established to
4 continue to work on this issue to develop a consistent
5 policy on this subject.

6 PRESIDENT CARTER: And that would be a decision
7 of the Board by a vote of the Board, which we will
8 agendize for January.

9 Emma.

10 BOARD MEMBER SUAREZ: Are we going to get copies
11 of the letter that Mr. Shapiro just read? I'd like that
12 to be the case.

13 MR. SHAPIRO: We only have the one copy, so your
14 staff would need to copy it, unless we ran out and made
15 some more.

16 BOARD MEMBER SUAREZ: That'd be great.

17 And, Mr. Shapiro, during your meeting of the
18 board of supervisors, was the board informed that this
19 Board was ready not to approve that agreement precisely
20 because we shared the concerns about the JPA requirement
21 of having local entities also sign? In other words, did
22 they understand that the Board was not -- we were ready
23 not to send them that agreement and that we did so at your
24 request?

25 MR. SHAPIRO: Yes. Yes, they did.

1 BOARD MEMBER SUAREZ: And they still talk about
2 broken promises in their letter?

3 MR. SHAPIRO: The broken promise they're
4 referring to was the one in 2005 where this Board promised
5 that if Yuba County had to indemnify the state, all other
6 JPA members from all other JPAs thereafter would also.
7 And that was never done. That was the promise they were
8 referring to.

9 BOARD MEMBER SUAREZ: But they understand that
10 the only reason we asked them to this time was because you
11 asked us to?

12 MR. SHAPIRO: Yes. And that's actually one of
13 the two reasons they were willing to sign it, was because
14 of your agreement that you would -- that you would accept
15 a signature from them now on the Cooperation Agreement
16 that they didn't like and had promised that if you adopted
17 a policy inconsistent, we could come back and talk about
18 it again.

19 They feel very torn. On the one hand, they feel
20 consistently like they've been singled out in the past.
21 They also realize that without a cooperation agreement, we
22 can't do certain aspects of construction starting next
23 week. Three Rivers really needs to keep that construction
24 going. And so they were faced with a decision: Do they
25 not sign any agreement because -- and then no construction

1 occurs? Or do they sign some agreement to allow
2 construction to occur? And it was apparent last month
3 that the only agreement which this Board could get out was
4 one where we had said, "Okay, we're willing to sign it
5 with the extra indemnity," that the board was locked 3-3
6 on a policy of what the agreement should say. 3-3 is not
7 sufficient to pass the agreement. And so the only way to
8 get the agreement signed was for Three Rivers and Yuba
9 County to make the offer to sign the agreement we didn't
10 like.

11 MR. BRUNNER: Maybe a little more clarity on the
12 construction aspect, is the current encroachment permit
13 that we have from the Board -- from this Board is broken
14 into two parts, Part A and Part B. Part A's the
15 construction of the levee that we're building that doesn't
16 require federal permits. The Part B does require a
17 federal permit. There's portions of that Part B permit
18 that allows us -- we could go out there with some of the
19 environmental issues and the U.S. jurisdictional waters
20 and actually do that now and clear those out of the way
21 and get rid of that problem.

22 To do that, under the way the current
23 encroachment permit is written, we would have to sign the
24 MOA because that's a condition of our permit, that we have
25 a signed MOA for this indemnification. So we're caught in

1 a Catch 22. If we want to go do that work so we don't --
2 we get it done, move forward, we have to have the MOA, or
3 you change the Part B condition of the permit.

4 And when you end up splitting 3-3 on your tie
5 vote, that left us in a lurch where we didn't know which
6 way to go, so therefore we went forward.

7 BOARD MEMBER SUAREZ: I'd just like to know what
8 the Board of Supervisors think the policy of this Board is
9 on this matter. The policy of this Board is that -- as it
10 stands right now is that we don't require individual
11 counties to sign. We only did so last month because you
12 asked us to.

13 MR. SHAPIRO: I'm aware that it seems
14 inconsistent for Yuba County and Three Rivers to come
15 before you and say, "We're signing this under duress," yet
16 we asked you for this agreement. And I think that's the
17 point you're making. But, while we did ask for this
18 agreement last month in the form that it exists, we did so
19 because of the 3-3 vote, the need to move it ahead. And
20 while there is no adopted policy of this Board - and
21 you're correct on that - there is a practice of this
22 Board, which is that this Board has required Yuba County
23 to sign indemnification agreements four times since 2005.
24 And Yuba County is the only one that's been asked to sign
25 an indemnification agreement since 2005. So I agree,

1 there is no written policy, there's no adopted policy.

2 But there is a practice of this Board that started before
3 any of these Board members were seated.

4 SECRETARY DOHERTY: Scott, are you saying in this
5 letter because "we sign this under duress," does that give
6 you a legal out and does that nullify the agreement?

7 MR. SHAPIRO: I don't believe it does. Your
8 counsel can opine on whether it does. This is an
9 emotional duress issue for the board members. They were
10 very clear they wanted that term used. It was a very long
11 board meeting. And Mr. Eres and Ms. Hofman were at that
12 board meeting. They spoke strongly against the county
13 agreeing to sign. They felt the county shouldn't. But
14 ultimately the county felt they had no choice, because
15 public safety demanded they get in there -- we get in
16 there and continue construction.

17 PRESIDENT CARTER: Well, thank you very much.
18 We'll address more on this issue should the Board
19 establish a subcommittee on this.

20 Mr. Hodgkins, did you have anything else?

21 VICE-PRESIDENT HODGKINS: No.

22 PRESIDENT CARTER: Emma, did you want to --

23 BOARD MEMBER SUAREZ: Yes, I have actually a
24 question regarding the report.

25 Mr. Brunner, on page 3, item F, there's the

1 discussion regarding archeological findings.

2 MR. BRUNNER: Right.

3 BOARD MEMBER SUAREZ: And Mr. Shapiro and I had a
4 conversation about this and -- because I had heard that
5 there actually had been a stop order for the project until
6 we -- I thought it was geological things, but I guess it's
7 really the archeological findings. So can you update the
8 Board exactly what this means in terms of impacting the
9 project?

10 MR. BRUNNER: Sure, be glad to.

11 First, there is not a stop order on the project.
12 We have a signed MOA between SHPO, the Corps and us.
13 Enterprise Rancheria is the most likely descendent in
14 consulting.

15 What we did run into, and right around the Star
16 Bend area, was a new burial ground. It extends underneath
17 the alignment of the new levee. So we're working through
18 with the Enterprise Rancheria to define the lateral extent
19 of the burial ground to see how we need to adjust the
20 levee. The preferred solution between us and the indian
21 tribe is to actually entomb the site under a portion of
22 the levee.

23 A week and a half ago there was a meeting in the
24 field. There was very emotional feelings that were going
25 on between parties with the Corps and my staff in that. I

1 was present along with state folks. What I've done in
2 that regard is actually to become the focal point for all
3 the discussions and to make sure that we work well
4 together. The emotions have gone away. The parties have
5 all settled down and worked through this now.

6 So I think we're way on the target to move
7 forward. I meet with the tribal council next Tuesday to
8 get hopefully approval for the lateral extent trenching
9 that we need to do. Because we need to define it so that
10 as we adjust the levee, that we can then make it go
11 forward.

12 You know, as far as overall project schedule, I
13 think the project's still on schedule. The northerly
14 tie-in will go forward on it. This area down here we need
15 to work to make sure that we do what's right - work with
16 the tribe, work with our various stakeholders and get it
17 done.

18 Our hope is to, like I said earlier, was to
19 entomb it. In other words, not really do much to the
20 burial ground itself, but leave it sit underneath the
21 levee itself. And our engineers are looking at ways where
22 they can then change the structure, make sure the
23 foundation is good.

24 It's in a walnut orchard, which is important,
25 because walnuts have deeper roots; and if you cannot go in

1 and excavate all the walnut trees out, then you've got a
2 problem with decay and all that. So how do you design
3 that to allow that to occur on it? And so we're looking
4 at those, too.

5 SAFCA, I think, has a similar issue, but they're
6 not dealing with walnut trees. I think it's more row
7 crops. A little bit different nature on the organics that
8 are left.

9 But overall I think the -- from where we were on
10 that, the stated goal for us, the Corps, SHPO, and the
11 indian Enterprise Rancheria is that we end up having a
12 FloodSAFE project and move forward.

13 BOARD MEMBER SUAREZ: Okay. Thank you.

14 PRESIDENT CARTER: Thank you.

15 MR. SHAPIRO: President Carter?

16 In regard to the proposed subcommittee, was it
17 your statement that the Board would consider in January
18 whether to create it? Or was your statement that it would
19 meet in January? I didn't hear.

20 PRESIDENT CARTER: No, the Board would consider
21 forming the subcommittee in January.

22 MR. SHAPIRO: Is it the Board's position that you
23 need to notice creation of the subcommittee in January, or
24 could the Board consider that today? There are a number
25 of public agencies that are very eager to see resolution

1 of this. And SAFCA, I believe, will have permits
2 potentially in February. It would be great to have the
3 time to get this set up and not lose another month.

4 PRESIDENT CARTER: It's been our past practice
5 when we have formed subcommittees of Board members -- more
6 than two members, we have a board vote, which needs to be
7 properly noticed in a public meeting and held in a public
8 meeting. So that's why the consideration would be
9 scheduled for January.

10 MR. SHAPIRO: So if the subcommittee only
11 required two members, then it could be noticed?

12 PRESIDENT CARTER: Then it would not be a
13 subcommittee.

14 MR. SHAPIRO: I apologize. I probably created
15 some of this confusion. I was thinking of the working
16 group. I thought it was a subcommittee of Mr. Hodgkins
17 and Mr. Brown that you created a month or two ago to work
18 with DWR and assumed it would be something like that. As
19 the sender of the Email requesting a working committee or
20 subcommittee, my only interest is to try to create an
21 opportunity to work with the Board. Whatever works best
22 for the Board, we appreciate it.

23 PRESIDENT CARTER: It may be semantics, but
24 because of the open meeting laws, we're careful about
25 those semantics. And the committee, or what we refer to

1 as a task group, that Mr. Hodgkins and Mr. Brown are on,
2 we refer to as a task group. And formal subcommittee,
3 such as the one we had for Three Rivers Levee Improvement
4 Authority, the one we had for the San Joaquin Valley,
5 those were formed in an open meeting public vote by the
6 Board.

7 MR. SHAPIRO: Okay. Thank you.

8 PRESIDENT CARTER: So it's a distinction as to
9 whether or not the subcommittee will operate under the --
10 subject to the open meeting laws, which means that if
11 there are three or more members of the Board, it has to be
12 properly and publicly noticed.

13 MR. SHAPIRO: Okay. Thank you for the
14 explanation. Either would be wonderful. As early as
15 possible would be fantastic.

16 Thank you. And Happy Holidays as well.

17 PRESIDENT CARTER: Thank you.

18 BOARD MEMBER SUAREZ: Mr. President, if I may.

19 I had asked Ms. Cahill because she had mentioned
20 to me about the possibility of wanting to get a
21 subcommittee. And one thing that I would want to make
22 sure is that we have had the opportunity to enjoy the
23 benefit of her legal analysis on this issue before we move
24 forward. I know it's a complicated issue. I know she's
25 been working on it. So whatever we do as a group, I want

1 to make sure that it's anchored around what the legal
2 analysis provides.

3 PRESIDENT CARTER: Okay. And what we'll do is
4 we'll have maybe a little more discussion about what the
5 Board wants to do as part of the -- later on in the
6 afternoon regarding the future agenda as well as task
7 reports. So we'll have a -- we'll get a feeling for what
8 the Board wants to do and schedule accordingly. So --

9 MR. BRUNNER: President Carter, I was thinking
10 more about your question about the stop work comment.
11 That what I said before was on target, was right. But
12 there's an aspect here, when we met with the indians, my
13 personal meetings with them, they asked that we stop work,
14 not on the project, not on the levee and what we're doing
15 there, but until we get the lateral extent defined and
16 emotions settled down, that we -- I pulled folks off
17 that acreage area right there where the burial ground is.
18 We're not doing any more further explorations until we get
19 agreement as to how the trenching plan should go forward.
20 So, PG&E would have a power line that was going to go
21 through there -- might -- go work through that portion of
22 the site. So I asked that to stand down until we have
23 agreement. And so I think we're working through, and I
24 think that's where the term "stop work" came from.

25 But as far as the project, it's moving forward.

1 And I would assume that very soon we'll get -- the
2 trenching plan, we'll get it defined and then that area
3 we'll design adjustments and move forward.

4 PRESIDENT CARTER: Very good.

5 VICE-PRESIDENT HODGKINS: Just generally on the
6 matter of the Corps' decision on 408. I think it's
7 appropriate. And I don't see a Corps representative, but
8 I certainly don't know them all. To acknowledge the fact
9 that in handling 408 matters for projects, the Corps
10 really has been fairly efficient considering the fact that
11 they have to go through NEPA. And I think this is an
12 example of the fact that there is a commitment on the part
13 of the Corps. And we have guidance. We'll talk about
14 that more this afternoon. But I think we ought to also
15 note the fact that they have delivered this 408 approval
16 in a timely manner, considering the obstacles -- not
17 obstacles, but the legal requirements that they had to
18 meet in order to make a decision. And I do appreciate
19 that.

20 PRESIDENT CARTER: Very good. Thank you very
21 much.

22 Mr. Eres, did you want to speak on this item?

23 MR. ERES: Good morning, President Carter,
24 members of the Board. Tom Eres representing Hofman Ranch
25 and Ms. Frances Hofman. We both wish you all a very

1 healthy and happy holiday, to you and all of your key
2 staff members. We enjoy very much working with you.

3 PRESIDENT CARTER: Thank you.

4 MR. ERES: And while I'm putting out compliments,
5 I will, believe it or not, send one to Three Rivers. We
6 have had a series of significant Public Records Act's
7 requests and detailed information - and I do mean detailed
8 information - and both Mr. Brunner and Mr. Shapiro have
9 been very proactive over the past 30 days in working with
10 Ms. Hofman and having some very, I would say, spirited
11 meetings with respect to trying to get to the bottom line.
12 These are ongoing. But it is important for you to know
13 that they really are trying to lean forward. And we're
14 not there yet, but we're cooperatively in the quest.

15 I have a couple comments here, actually about
16 four.

17 One of them, I'd like to just piggyback on Mr.
18 Hodgkins' point with respect to the 408 permit process
19 with the Corps of Engineers, and suggest as you're putting
20 your policies together -- one of the things that we
21 recommended way back when was that when issues of 408 come
22 before the Board, that there ought to be a Board policy -
23 I'll use that term - that suggests that the whole
24 environmental review be in the form of a combined NEPA and
25 CEQA process, so that you have them integrated together at

1 the front end; and we don't have to be in the situation at
2 the back end where we're going through those points you
3 mention and, that is, sequentially, which take a great
4 deal of time and cause a lot of frustration as to what the
5 standards and rules are for purposes of the environmental
6 review.

7 So that's just a suggestion in terms of your
8 procedures in the future.

9 The first point I want to make is with respect to
10 the bond and the bond issue report that you receive.
11 Certainly, the community and the folks Ms. Hofman deals
12 with are concerned with respect to the state's financial
13 crisis and what real implications that has with respect to
14 potential funding of the early implementation projects and
15 Proposition 1E and 84, for that matter.

16 And we think it's a little more complicated than
17 may have been addressed to you, because we're not sure -
18 and that's my point - as to the integration of that issue
19 with a local share and the bonds that were issued as a
20 result of the local share determinations by the Yuba
21 County Water Agency and the County of Yuba. We think that
22 there may be bond covenants or there may be some
23 conditions that are contained within those documents that
24 need to be further explored as to, for example, whether
25 you can move forward with local share bond revenues that

1 you may have collected while you're still in a holding
2 pattern with respect to the state portion with respect to
3 the overall project.

4 And so we ask that that continue to be monitored,
5 because financial feasibility of the project in a time
6 sequence is something that Hofman Ranch has been very,
7 very concerned with.

8 I would also use that as a segue to our second
9 point. And that really has to do with this, again, use of
10 the term "200-year flood protection." You've heard me say
11 that probably more than you ever wanted to hear. But I
12 can tell you the chickens are coming home to roost. There
13 is no 200-year flood protection, folks. It doesn't exist.
14 It's in the minds of aspirational engineers that are
15 trying to develop those standards so that they can form a
16 basis for some form of certifications and accreditations.
17 What you have is 100-year. So that's it. And that's what
18 FEMA will accredit a levee for.

19 And so references to the public are becoming very
20 confused. And I can tell you in Yuba County, particularly
21 confused, because they don't know, and supervisors have
22 talked to me directly as to whether or not you can achieve
23 something called 200-year protection with respect to the
24 Three Rivers levee project or whether, in fact, it is
25 100-year protection. And the taxpayers out there that are

1 underwriting the construction still are scratching their
2 head, as can there ever be really an acceptance - this is
3 the key - an acceptance by the Corps of Engineers of these
4 levees as project levees using a standard of 200-year that
5 does not exist? That is a question. That is a concern.
6 And we simply pose it to you to let you know we're
7 continuing to monitor it and we are continuing to work
8 with the Corps and the state to find out when are we going
9 to see that standard so the taxpayers will know whether
10 it's been met.

11 And precisely one doesn't really know whether or
12 not in Yuba County you can ever get a certified levee
13 system that will ever achieve 200-year protection. And
14 the tail wagging that dog is up in the south levee of Yuba
15 River. It's an area of the Yuba gold fields - Simpson
16 Lane, the training levee, the patrol road. And in that
17 area there's some question as to whether it's even
18 possible to get something that would be 100-year, much
19 less 200-year. And if that is part of the levee system of
20 the Yuba River, Feather River, Bear River and, for that
21 matter, the Western Pacific Interceptor Canal, we think
22 that poses some very significant issues. And, again, I've
23 had members of the board of supervisors say they wish they
24 didn't have that phrase "200-year protection," because,
25 again, it is simply confusing to the public generally.

1 My next point is with respect to the
2 indemnification discussion you just had. Indeed, both Ms.
3 Hofman and I were at the board of supervisors meeting at
4 which this subject was discussed. And I think -- with
5 respect to Ms. Suarez' point, I think the issue that is
6 before the board is this question of, what is the board
7 policy? Without a policy, how do you move forward? And
8 the board, I think, is concerned that they were, in fact,
9 led to believe that there was a policy of your predecessor
10 Board indemnification would be applied across the board,
11 not on a case-by-case basis. And that is a concern. And
12 we believe that there are serious policy issues that need
13 to be addressed. And the board, in my view, is not
14 comfortable with the fact that there is a debate before
15 the Central Valley Flood Protection Board -- that's good,
16 that's healthy -- but without a policy that would have
17 generated an amendment to the permit, which has the
18 condition in it is where they came down. They are with a
19 permit -- they have a permit. It has a condition, and
20 that hasn't been changed.

21 So in terms of Mr. Shapiro's description of the
22 meeting, I think that's really quite accurate. But I
23 would indicate to you that there are serious policy
24 interests that should be addressing your Board and your
25 subcommittee as you get into whether or not it makes good

1 public policy sense for the principals behind joint power
2 authorities to step up to the plate and, I believe quoted
3 by a very distinguished scholar, "have skin in the game",
4 for purposes of taking a serious look at when decisions
5 are being made with respect to expenditure of substantial
6 hundreds of millions of dollars of taxpayer money. These
7 joint power authorities for the most part are transitory,
8 they're transparent, they are simply a veil. And at the
9 end of the day, Three Rivers, with all due respect, gets
10 its money from grants and from local shares. They don't
11 have an ability to go out and generate money. So they're
12 not going to be able to stand behind any kind of an
13 indemnification, in our view.

14 Serious policy decisions, discussions that we
15 hope you will take seriously. And I believe, I think -- I
16 do believe that Yuba County does not have a sense that
17 there's a consensus on this Board with respect to how you
18 want to handle that issue.

19 Final point I would make has also been addressed,
20 and that's on the cultural issue with respect to Native
21 American burial site that is contained within the
22 alignment of the current levee. And the caution we have
23 here is that -- I know the term has been used -- or the
24 identification has been used, the Enterprise Rancheria.
25 We would suggest to you, look carefully, and we hope Three

1 Rivers will look carefully. Enterprise Rancheria really
2 is focused out of Oroville and is part of the Maidu
3 nation, but is really perhaps not the point with respect
4 to things that we go back in terms of the history of that
5 entire area. It's in the Maidu area. Enterprise
6 Rancheria is an entity that is trying to get a casino
7 located within Yuba County. So whether or not it is a
8 lead with respect to this kind of a discussion remains to
9 be seen.

10 But thank you for your patience and hearing my
11 comments. Appreciate it. And, again, Happy Holidays.

12 PRESIDENT CARTER: Thank you very much, Mr. Eres.

13 We'll, at this time, ladies and gentlemen, take a
14 ten-minute recess. And we will reconvene and we will
15 start with Item 9 on the timed agenda, the Schedule of
16 Implementation for the Flood Control System Status Report
17 for the State Plan of Flood Control.

18 So recess for ten minutes.

19 (Thereupon a recess was taken.)

20 PRESIDENT CARTER: Ladies and gentlemen, if I
21 could ask you to take your seats. We'll go ahead and
22 continue with our meeting.

23 We are going to consider Item No. 9 on our agenda
24 right now. This is the Schedule for the Implementation of
25 the Flood Control System Status Report for the State Plan

1 of Flood Control. It's to consider approval of Resolution
2 No. 08-22, to approve a Schedule of implementation to
3 comply with Section 9120 in the Water Code and to approve
4 signing a letter to transmit the Schedule of
5 Implementation with the associated information to the
6 State Legislature.

7 Mr. Bradley, good morning. Welcome. Happy
8 Holidays.

9 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY:

10 Good morning. And Happy Holidays to the Board
11 members, General Manager Punia, and the Board staff, many
12 former colleagues here.

13 So I hope everybody's ready for the holidays.
14 I'm certainly not. But I'm trying to get off some time
15 this afternoon to do that.

16 (Thereupon an overhead presentation was
17 Presented as follows.)

18 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY: I
19 kind of set the stage for this at the last Board meeting.
20 There is a Flood Control System Status Report on the State
21 Plan of Flood Control. It's kind of the Legislature's
22 attempt to get at what the status of the existing system
23 is. And it was part of the recent legislation.

24 --o0o--

25 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY:

1 It came in with AB 156, also AB 5. Same language
2 essentially in both bills. But AB 156 was signed later.
3 It's the controlling legislation.

4 --o0o--

5 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY:

6 Then it added Water Code 9120 to the -- or
7 Section 9120 to the Water Code. And in that -- this is a
8 summary of a couple of the sections in there -- says, "The
9 Department shall prepare and the Board shall adopt a Flood
10 Control System Status Report for the State Plan of Flood
11 Control. This status report shall be updated periodically
12 as determined by the Board." Essentially, it's your
13 report.

14 And then, "On or before December 31st, 2008, the
15 Board shall advise the Legislature in writing as to the
16 Board's schedule of implementation of this section; that
17 is, the preparation of the Flood Control System Status
18 Report."

19 So that is why we're here today, to look at the
20 schedule and see whether you approve it or not.

21 --o0o--

22 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY:

23 Some of the requirements of Water Code section
24 9120, it says DWR shall inspect the project levees and
25 review available information to ascertain if there are

1 evident deficiencies. And then the status report when
2 prepared shall identify and describe each facility,
3 estimate the risk of levee failure, discuss the inspection
4 and review undertaken by DWR as discussed above, and make
5 recommendations regarding levees and future work
6 activities.

7 --o0o--

8 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY:

9 This is a schedule that we've put together for
10 this.

11 On the top line: "Inspect project levees." If
12 you can see, there's a series of arrows there. The reason
13 is the levees are inspected regularly by DWR. I believe
14 you'll probably get something on that today, maybe Jeremy
15 Arrich's group, the Flood Project Inspection Section. It
16 goes out twice a year. The local levees maintaining
17 agency goes out twice a year, and then reports to DWR. So
18 that's an ongoing process that is actually -- that
19 continues even before this legislation, will continue
20 after this legislation. The federal law requires the
21 levees to be inspected every 90 days or after every high
22 water event. So that's where that all falls out to
23 essentially quarterly.

24 So when we put this report together, what we will
25 do will be to use the most current information. We have

1 information now. But it will be updated probably by the
2 time the report's prepared.

3 Identify and describe the State Plan of Flood
4 Control facilities and procedures for inspection and
5 review. The facilities, we're doing that. We have other
6 requirements of the work in my office. One is to develop
7 a description of the State Plan of Flood Control. Another
8 is the Central Valley Flood Protection Plan. Both of
9 those have requirements to describe those facilities. So
10 that is being done.

11 We pretty much identified all the facilities.
12 We're going through preparing the descriptions now as part
13 of preparing the documentation that describes the State
14 Plan of Flood Control. So that's pretty well on schedule.

15 It'll probably go through a vetting process with
16 not only the Board but the public. There's very likely
17 things that we've missed or not understand.

18 This system has a long history. You know, it's
19 been, in essence, almost a hundred years. And it's been
20 being built and modified since the 1920s. So a lot of
21 things seem to get dropped along the way. We think we've
22 identified most things that have been added or removed
23 from the system. And we'll be describing that in detail,
24 along with a history of the system.

25 Review available information for evident

1 deficiencies. Collect available data. We are in the
2 process of doing that now, have a lot of that.

3 Evaluate the levee system. That is part of
4 the -- we're tying that in with the geotechnical work
5 that's going on by Mike Inamine and the hydrology and
6 hydraulic work that's going on with floodplain mapping.

7 There are essentially two deficiencies - many
8 categories of those, but two deficiencies. One is
9 hydraulic conveyance capacity. Can the system convey the
10 flow that it was designed to convey at or below the water
11 surface that it's supposed to do? So that's a conveyance
12 or water passage deficiency.

13 And the other would be a geotechnical. Even
14 though the system may be able to convey the flow by the
15 shape of the channels, the levees may not hold.

16 So there's essentially two deficiencies - a
17 conveyance capacity deficiency and a geotechnical
18 deficiency, which would both be involved in evaluating the
19 levee system.

20 SECRETARY DOHERTY: Can I ask you a question,
21 please?

22 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY:

23 Yes, Lady Bug.

24 SECRETARY DOHERTY: On that item 2, it says use
25 the collected information, the hydrologic, hydraulic,

1 geotechnical. Who is doing that for you? Who's
2 collecting that information?

3 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY:

4 My staff essentially. Although I have a very
5 small staff. And I've hired a lot of people from the
6 Division of Planning and Local Assistance, DPLA. They are
7 working for me. And then we have a consultant, MWH, that
8 is also working on this. We probably have about 20 people
9 working on this project at the moment.

10 SECRETARY DOHERTY: So do you collect any
11 information at all from the Army Corps?

12 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY:

13 Yes, we have, a lot of the design work.
14 We've -- for the State Plan of Flood Control, we have
15 collected all the O&M manuals, most of the design manuals.
16 There's still some questions of whether we have all the
17 design manuals or not.

18 What else is there?

19 There's a -- like I said, there are -- we have
20 found an additional 20 or 30 operation and maintenance
21 manuals on this system while doing this work. We have --
22 all of this will be placed on a GIS overall that
23 eventually will be available to the public. We have staff
24 that searched the Board's records, the minutes of the
25 Board. And all the decisions that the Board made are on

1 file on this GIS system. We have all those copies made.

2 So it's fairly well documented.

3 SECRETARY DOHERTY: So you would have all the
4 information on the Sutter Bypass, the design capacity and
5 so forth and so on?

6 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY:
7 Hopefully. I understand there's some questions
8 on that. But --

9 SECRETARY DOHERTY: Oh, okay.

10 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY:
11 But I -- you know, I think depending on the
12 specific questions, yeah, the information should be there.
13 Board staff does have access to our RDP site where all
14 this information is stored. We provided access to them to
15 that. It's kind of a controlled site at the moment
16 because the data's being collected. But Board staff has
17 access to it, as does DWR Legal.

18 SECRETARY DOHERTY: Okay.

19 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY:
20 And then finally when we collect all the
21 information, we'll identify the levee deficiencies
22 somewhat; estimate the risk of levee failure, a much more
23 difficult task, a lot of -- that goes along with the
24 floodplain mapping; recommended actions; and then prepare
25 the report for the Board and then submit it to the

1 Legislature?

2 So this is the schedule that we're planning on
3 doing. It's fairly general. We are on schedule at the
4 moment. We've done an awful lot of work. There's a lot
5 of upfront work. There's a lot of research that goes on
6 with this.

7 Something else that we did do. The Board has
8 some old historical records. And I paid to have those
9 photocopied. I don't know if anybody on this Board has
10 ever seen them, but there's - I don't know - what, 13
11 binders I think, Jay, or 14 binders? They're probably
12 about 6 by 9. They have a lot of historical information.
13 They have the old Flood Control Acts all aligned in there.
14 So we copied those. And that also has been stored on the
15 FTP site. So it's available -- eventually will be
16 available to the public when the GIS system is up and
17 running.

18 What we're asking you to do today is approve
19 Resolution 08-22, approve the Schedule of Implementation
20 for preparation of the Flood Control System Status Report
21 for the State Plan of Flood Control, and authorize the
22 President or Secretary to sign the letter transmitting the
23 schedule to the Legislature.

24 The Board package actually had this -- consisted
25 of the staff report, the resolution, the letter of

1 transmittal, and the Schedule of Implementation that I
2 just went through. But I don't know if you want me to go
3 through the resolution or if you are prepared to take an
4 action now or whether you have questions for me.

5 PRESIDENT CARTER: Are there any questions for
6 Mr. Bradley?

7 Ms. Suarez.

8 BOARD MEMBER SUAREZ: I have a question.

9 Mr. Bradley, question regarding the funding
10 situation and how this report that will be forwarded to
11 the Legislature might be impacted. Is there any reference
12 here in terms of the budget issues and how this schedule
13 might be affected pending that?

14 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY:

15 You know, that is uncertain. You heard George
16 talk about it this morning under DWR report.

17 We've been going through project drills. In
18 fact, I was expecting one today. They've actually delayed
19 it till Monday. I have to identify my staff and estimate
20 the burn rate for my office. We're preparing -- staff
21 right now actually in the office is preparing that
22 information.

23 We don't know -- the planning is a fairly small
24 potatoes item compared to when you get into projects. If
25 I was to estimate where the impacts will be, it will be to

1 the projects or maybe the big programs, such as levee
2 drilling, those kinds of -- where there's huge
3 expenditures of money.

4 PRESIDENT CARTER: Yes. Let's go ahead and --
5 if you don't mind, Mr. Bradley, let's take a -- what, do
6 you need, five minutes? -- five minutes to resolve some
7 technical issues here with our recorder.

8 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY:

9 That's fine with me.

10 (Thereupon a recess was taken.)

11 PRESIDENT CARTER: Okay. Ladies and gentlemen,
12 thank you for your patience. I think we've resolved our
13 technical issues. We'll go ahead and continue with the
14 meeting.

15 Just a process note. Please let the record
16 reflect that Board Member Teri Rie arrived at 10:25. And
17 we'll go ahead and continue.

18 Mr. Bradley, we were entertaining questions.

19 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY:

20 Yes, I think I -- whether you had any questions
21 on the schedule or the resolution or anything that has to
22 do with your approval of the implementation schedule.

23 PRESIDENT CARTER: All right.

24 SECRETARY DOHERTY: You certainly pulled a lot of
25 information together in a hurry. And it's going to be

1 interesting to be able to access that.

2 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY:

3 Well, a lot of it was readily available. It took
4 quite a while to go through the Board minutes to -- you
5 know, the O&M manuals, most of them were readily
6 available. The inspection section had -- I don't know,
7 they had about 110 of those things I think already. And
8 as we went through other things, we found out that, well,
9 it looks like there should have been an O&M manual. So we
10 sent some people to the Corps of Engineers to go through
11 their records, talked to some local RDs, and found -- I
12 don't know how many total. I know that we just found 20
13 more here about a month ago that are being incorporated
14 into all our data accumulation.

15 SECRETARY DOHERTY: Very good.

16 VICE-PRESIDENT HODGKINS: And, Steve, if I could.
17 I think on this item and on the Central Valley Flood
18 Protection Plan it's going to be important for the Board
19 and the public to understand that the basis -- the
20 technical, hydrological and hydraulic information as well
21 as geotech is going to come from the comp study, which is
22 a study that was completed what, 2002?

23 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY:

24 They had a -- yeah, the final report or the draft
25 report was dated December 2002 I believe.

1 VICE-PRESIDENT HODGKINS: Yeah. And Steve's
2 challenge here is he has to get this stuff to the
3 Legislature in conformance with the legislative deadlines.
4 And the new work that's being done, both in terms of the
5 mapping as well as all the geotech, is moving forward.
6 But it isn't going to be done in time to allow him to
7 incorporate it into the work that's going to be reflected
8 both in the system status report and the first version of
9 the Central Valley Flood Protection Plan.

10 I just think it's important to understand that.
11 That has the potential to create some interesting
12 situations where what people believed was the case when
13 the comp study was done may not, in effect, be confirmed
14 by some of the work that's underway now. And those will
15 have to be dealt with as we become aware of them and go
16 along.

17 But I think overall Steve's done a pretty good
18 job in putting this together and also on the Central
19 Valley Flood Protection Plan. And we'll talk more about
20 that this afternoon.

21 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY:

22 Yeah, just a clarification. This status report
23 really was to use available information. We've kind of
24 stretched out that program so that we would have a lot of
25 the geotechnical information on levees. It won't be all

1 the final stuff, but it will make a pretty good cut at
2 what's recently been done on the levees. There may be
3 some new hydraulic modeling by this time, probably not
4 much. We're really looking at the capacities - can it
5 pass it or can it not pass the flow? Pretty
6 straightforward calculation essentially.

7 You're not looking at new hydrology. You're just
8 looking at the flow that it was designed for. That's
9 being handled by the floodplain mapping group. They're
10 the ones that are responsible for the hydraulic modeling.

11 We know pretty much what the design capacities
12 are. They've been transmitted. You've heard many times
13 that the '57 profile -- 1957 profiles for the Sacramento
14 River, the 1955 profiles for the San Joaquin River, those
15 have been considered the basis. The O&M manuals have
16 design information in them. So that information on the
17 existing system is available.

18 There's been a lot of work by the Corps, DWR, and
19 consultants in town on analysis of the capacity of various
20 parts of the system that we will make use of. Mr.
21 Countryman has done a lot of work in this area. He's
22 under several contracts that DWR has. He is a sub to MWH,
23 who is my prime contractor. But he's also a sub on that.
24 He's also a sub to the mapping contractor. So his time is
25 available and he is -- like I said, he has done a lot of

1 information -- or a lot of work on producing information
2 on the capacity of the existing system.

3 So we're trying to use the best information we
4 can. For the status report, it was just basically to use
5 available information. We've stretched that out to make
6 use of some information we knew will be available
7 relatively quickly.

8 BOARD MEMBER BROWN: Mr. Chairman?

9 Excuse me, Lady Bug. Go ahead.

10 SECRETARY DOHERTY: Has there ever been any
11 discussion why you're doing this that's perhaps changing
12 the 1957 profile? That maybe that's not as valid as it
13 was at one time?

14 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY:

15 That's actually the way the Corps designed the
16 system. Is it valid? I suspect parts of it are not
17 valid. But it is the design.

18 You know, part of the Central Valley Flood
19 Protection Plan is really to develop a plan for how the
20 system should look in the future. And I think once you do
21 that, you would have completely new design profiles if
22 that plan ever gets implemented. And we're talking
23 probably a substantial amount of money then to revamp the
24 entire system.

25 Under today's conditions, the design is what it

1 is, and we're stuck with it. It may not be adequate. In
2 fact, I'm sure it's not adequate for what has happened in
3 the valley over the last 50 years since that design became
4 effective. You know, it was primarily ag land with a few
5 very small concentrated urban areas. And now those urban
6 areas have expanded greatly and the ag areas have somewhat
7 shrunk. And then the values have -- you know, have
8 increased dramatically over the last 50 years of what is
9 being protected.

10 PRESIDENT CARTER: It is our hope that that
11 policy discussion will happen as a part of developing the
12 Central Valley Flood Protection Plan in the future.

13 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY: I
14 think that's exactly right.

15 PRESIDENT CARTER: Mr. Brown.

16 BOARD MEMBER BROWN: Mr. Hodgkins and I, we've
17 had what, two meetings on this with Steve. And I've got
18 to tell you, Mr. Chairman, I'm really impressed with the
19 way Steve and his staff and consultants have gotten on top
20 of this project. This is a good protect, and I expect
21 great things to come out of it. And my appreciation to
22 Steve for providing the leadership and staying on top of
23 it. I'm impressed.

24 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY:

25 Well, thank you.

1 BOARD MEMBER BROWN: And this resolution looks
2 fine with me, Mr. Chairman, if you're ready to move
3 forward with it.

4 PRESIDENT CARTER: I'm ready.
5 We'll entertain a motion.

6 BOARD MEMBER BROWN: I'll so move, Mr. Chairman.

7 PRESIDENT CARTER: Okay. Your motion is to
8 approve the resolution and approve signing the letter to
9 transmit the schedule to the Legislature?

10 BOARD MEMBER BROWN: Yes, sir.

11 PRESIDENT CARTER: And --

12 SECRETARY DOHERTY: And I'll second.

13 PRESIDENT CARTER: We have a second.

14 Any discussion?

15 BOARD MEMBER SUAREZ: I just have a suggestion or
16 a comment on the letter regarding the funding situation.
17 Since we don't control the funding process of this,
18 perhaps just insert that we're referring this
19 implementation schedule pending appropriate funding
20 provided by the Legislature as controlled and spent by
21 DWR. Just make a reference that we assume that the
22 implementation schedule will move forward and that DWR
23 will continue to give it the appropriate priority.

24 So that would be --

25 PRESIDENT CARTER: DWR and the Legislature.

1 BOARD MEMBER SUAREZ: I'm sorry?

2 PRESIDENT CARTER: And the Legislature.

3 BOARD MEMBER SUAREZ: And the Legislature, yes.

4 PRESIDENT CARTER: Do you have specific wording
5 or language that you'd like to insert in the letter?

6 BOARD MEMBER SUAREZ: Something to the effect,
7 subject to appropriate funding as determined and under the
8 control of the Department of Water Resources.

9 PRESIDENT CARTER: Okay. Any other discussion?
10 Does the motioner --

11 BOARD MEMBER BROWN: That's fine with me, Mr.
12 Chairman. I think it's very appropriate.

13 SECRETARY DOHERTY: Correct.

14 PRESIDENT CARTER: And the seconder accepts that
15 change as well.

16 Any other comments?

17 Mr. Punia, would you call the roll, please.

18 EXECUTIVE OFFICER PUNIA: Board Member Emma
19 Suarez?

20 BOARD MEMBER SUAREZ: Aye.

21 EXECUTIVE OFFICER PUNIA: Board Member Butch
22 Hodgkins?

23 VICE-PRESIDENT HODGKINS: Aye.

24 EXECUTIVE OFFICER PUNIA: Board Member Teri Rie?

25 BOARD MEMBER RIE: Aye.

1 EXECUTIVE OFFICER PUNIA: Board Member John

2 Brown?

3 BOARD MEMBER BROWN: Aye.

4 EXECUTIVE OFFICER PUNIA: Board Member Lady Bug?

5 SECRETARY DOHERTY: Aye.

6 EXECUTIVE OFFICER PUNIA: Board President Ben

7 Carter?

8 PRESIDENT CARTER: Aye.

9 So the motion carries unanimously.

10 Thank you very much, Mr. Bradley.

11 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY:

12 Yes. Does somebody -- I can have this modified

13 and bring it back for signature within half an hour if I

14 have the exact language that somebody's written down.

15 PRESIDENT CARTER: Did somebody capture that

16 language?

17 STAFF ANALYST PENDLEBURY: I did.

18 PRESIDENT CARTER: Lorraine has that. So if you

19 could work with Lorraine and bring that back, please.

20 STATEWIDE FLOOD PLANNING OFFICE CHIEF BRADLEY: I

21 will do that. Thank you.

22 PRESIDENT CARTER: Thank you.

23 All right. We'll move on to Item 10, Memorandum

24 of Agreement between the Central Valley Flood Protection

25 Board and the California Department of Water Resources.

1 This is to delegate authority to the Board President to
2 execute an MOA between the Board and the Department to
3 work cooperatively and collaboratively to develop and
4 implement an Integrated State Flood Management Program for
5 the Central Valley while preserving their independent
6 authorities and jurisdiction as set forth in the law.

7 Ms. Cahill.

8 LEGAL COUNSEL CAHILL: This is probably the third
9 time that you've seen this agreement.

10 PRESIDENT CARTER: Third and last, right?

11 LEGAL COUNSEL CAHILL: Yes, the last.

12 We amended paragraph 11 only from the last
13 version that you saw. You have the amended paragraph 11
14 in your packet. It now provides with regard to the real
15 estate matters that the Board delegates authority to the
16 Director of DWR, with authority to redelegate, the
17 responsibility for all real estate support services
18 required by the Board, except those which, in the judgment
19 of the Board or DWR, required the attention of the Board
20 for policy or other reasons.

21 This change is now acceptable to DWR. I have
22 here a copy of the agreement already executed by the
23 Director of DWR and ready to be executed by the Board.

24 And we've prepared a Resolution No. 08-27. And
25 so if the Board would approve Resolution 08-27, that

1 resolution approves the MOU and it will -- before the end
2 of your first year you will have an MOA with DWR.

3 PRESIDENT CARTER: Okay. Any questions for Ms.
4 Cahill?

5 Discussion?

6 BOARD MEMBER SUAREZ: Just, Mr. President. Thank
7 you, Ms. Cahill. I know you worked very hard, and I
8 appreciate the effort. And, Mr. Carter, you too. Thank
9 you

10 PRESIDENT CARTER: You're welcome.

11 BOARD MEMBER RIE: Just a brief comment. On the
12 7th line down there's a typo, the "not not".

13 SECRETARY DOHERTY: A double negative?

14 LEGAL COUNSEL CAHILL: Yes, okay. We can slip in
15 a substitute page to correct the typo.

16 BOARD MEMBER RIE: Okay.

17 PRESIDENT CARTER: Is this page that we have
18 before us in the Board packet a copy of the page in the
19 actual MOA?

20 LEGAL COUNSEL CAHILL: Yes. But I'm sure DWR
21 would be willing to substitute that page.

22 PRESIDENT CARTER: I'm sure they would too.

23 LEGAL COUNSEL CAHILL: A clean, good copy.

24 PRESIDENT CARTER: Thank you.

25 Any other comments?

1 We'll entertain a motion to approve 08-27 --
2 Resolution 08-27, and also delegating authority to the
3 President to execute the MOA between the Board and the
4 Department.

5 VICE-PRESIDENT HODGKINS: So moved.

6 PRESIDENT CARTER: We have a motion.

7 A second?

8 BOARD MEMBER SUAREZ: Second

9 PRESIDENT CARTER: And a second.

10 Any further discussion?

11 Mr. Punia, would you call the roll, please.

12 EXECUTIVE OFFICER PUNIA: Board Member John
13 Brown?

14 BOARD MEMBER BROWN: Aye.

15 EXECUTIVE OFFICER PUNIA: Board Member Lady Bug?

16 SECRETARY DOHERTY: Aye.

17 EXECUTIVE OFFICER PUNIA: Board Member Emma
18 Suarez?

19 BOARD MEMBER SUAREZ: Aye.

20 EXECUTIVE OFFICER PUNIA: Board Member Butch
21 Hodgkins?

22 VICE-PRESIDENT HODGKINS: Aye.

23 EXECUTIVE OFFICER PUNIA: Board Member Teri Rie?

24 BOARD MEMBER RIE: Aye.

25 EXECUTIVE OFFICER PUNIA: Board President Ben

1 Carter?

2 PRESIDENT CARTER: Aye, aye.

3 (Laughter.)

4 PRESIDENT CARTER: Okay. Motion carries
5 unanimously.

6 Thank you.

7 Now, we'll move on to Item 11, Yuba County Water
8 Agency's 103 Request. This is to consider approval of the
9 Yuba County Water Agency's request for the Central Valley
10 Flood Protection Board to submit a letter to the U.S. Army
11 Corps of Engineers requesting that the federal government
12 grant deferment of the non-federal sponsor's contribution
13 for the Marysville Ring Levee Construction Project until
14 the completion of the Yuba River Basin General
15 Reevaluation report when construction credits may be
16 granted.

17 Ms. Mullin.

18 MS. MULLIN: Good morning.

19 PRESIDENT CARTER: Good morning. Welcome.

20 MS. MULLIN: If I could get my PowerPoint up.

21 (Thereupon an overhead presentation was
22 Presented as follows.)

23 MS. MULLIN: Okay. Good morning, members of the
24 Board. My name is Erin Mullin and I am the Yuba River
25 Basin Project Manager for the Central Valley Flood

1 Protection Board.

2 As you stated, I'm here to request that you
3 delegate authority to the General Manager to sign our
4 letter requesting a 103(k) deferral for our non-federal
5 contribution for the Marysville ring levee construction.

6 --o0o--

7 MS. MULLIN: I'm just going to give you a little
8 background of what we're talking about and where we're at.

9 The Yuba River Basin Project is located north of
10 Sacramento in Yuba county and includes levees protecting
11 the communities of Linda, Olivehurst, Arboga, Plumas
12 Lakes, and the city of Marysville.

13 Currently, we have two concurrent efforts
14 underway using this authority, the Yuba River Basin GRR
15 and the Marysville ring levee construction.

16 You can see on this map the GRR is focused in the
17 lower part of the basin surrounding the area of -- or
18 focusing on the area of RD 784 and the Marysville ring
19 levee is just to the north.

20 --o0o--

21 MS. MULLIN: Here's a brief schedule of what
22 we're looking at. The current General Reevaluation Report
23 has an estimated completion date of March of '10, while
24 the Marysville -- we're hoping to award the first
25 construction contract for Marysville in '09.

1 --o0o--

2 MS. MULLIN: The Board has three options to
3 proceed with the Marysville ring levee construction as far
4 as our non-federal contribution is concerned.

5 We can wait for the GRR authorization and credit
6 to proceed with construction. The advantage to this
7 option is it minimizes additional non-federal cash but it
8 delays the construction start until at least 2010.

9 The second option is we can proceed with the
10 construction prior to GRR authorization, consistent with
11 the Corps' current schedule in 2010. This maintains the
12 2010 construction start, but it requires additional
13 non-federal cash.

14 The third option, and the option that I was
15 hoping to talk to you about -- here to talk to you about
16 today was a nontraditional path using credit deferral.
17 This maintains the 2010 construction start and minimizes
18 the non-fed -- an additional non-federal cash
19 contribution.

20 --o0o--

21 MS. MULLIN: In a letter from ASA Woodley to
22 Congressman Herger in November 20th of 2008, the ASA
23 actually recommended that we pursue a Section 103 deferral
24 in order to minimize our additional contribution in the
25 basin. He also stated that he would grant a policy waiver

1 allowing us to use credits developed in the RD 784 area of
2 the study in the Marysville ring levee. Normally you
3 cannot move credits from one separable element to another.
4 But he stated his intention in that letter that he would
5 grant as a policy waiver.

6 --o0o--

7 MS. MULLIN: Currently, we have two types of
8 credit in the lower basin. The first is Section 3041
9 credit. That was awarded in WRDA of 2007. The final
10 amount of this credit is not known. We will not know
11 until a project is adopted by the Corps and we can
12 evaluate what is consistent with -- we can evaluate what
13 would be incorporated into the federal project from what
14 has already been built.

15 The second option is one of for credit. This
16 credit cannot be awarded until we have a new
17 authorization, and which wouldn't happen until the
18 completion of the GRR and a chief's report has been
19 issued.

20 --o0o--

21 MS. MULLIN: Because of ASA Woodley's suggestion
22 to defer a non-federal contribution under Section 103(k),
23 and the fact that the deferral would maintain the schedule
24 while potentially minimizing a non-federal contribution, I
25 strongly urge you to award -- to support this letter and

1 delegate authority to the General Manager to send this
2 letter.

3 --o0o--

4 MS. MULLIN: I'm requesting that the Board
5 delegate the authority to the General Manager to sign the
6 letter requesting a Section 103 deferral for the
7 non-federal contribution towards the construction cost of
8 the Marysville ring levee.

9 --o0o--

10 MS. MULLIN: Do you have any questions?

11 PRESIDENT CARTER: Mr. Hodgkins.

12 VICE-PRESIDENT HODGKINS: The letter in the Board
13 package is from Yuba County Water Agency. Is this their
14 request and are they the local sponsor for the project?

15 MS. MULLIN: No, this would be the Board's
16 request. Yuba County Water Agency has requested a
17 deferral from the Central Valley Flood Protection Board.
18 But in order for the Central Valley Flood Protection Board
19 to grant their request, we, in turn, would also need a
20 deferral from the Corps.

21 VICE-PRESIDENT HODGKINS: Well, I want to support
22 the request. Okay?

23 MS. MULLIN:
24 Understood.

25 VICE-PRESIDENT HODGKINS: But I'm trying to

1 understand -- the deferral carries with it the potential
2 for interest on the deferred cost?

3 MS. MULLIN: Yes, it does.

4 VICE-PRESIDENT HODGKINS: Okay. I think the
5 Board should know, if that interest in effect accrues, is
6 the state going to pick up that cost? Is it the local
7 sponsor? And who is the local sponsor?

8 MS. MULLIN: The Central Valley Flood Protection
9 Board is the local -- is the non-federal sponsor. We are
10 the ones that have the contract with the Army Corps of
11 Engineers. In turn, YCWA has a contract with us which we
12 cost share and which defines our cost-sharing agreement.

13 I am assuming that the interest would be divided
14 along the cost-sharing lines that we already have
15 established, which is 70 percent to the Flood Protection
16 Board and 30 percent to YCWA.

17 VICE-PRESIDENT HODGKINS: Is there somebody who
18 represents YCWA who can tell me whether that's the case?

19 MR. REINHARDT: Rick Reinhardt with MBK
20 Engineers. I'm the Project Manager for Yuba County Water
21 Agency for the Yuba Basin Project.

22 The intent here is that through a construction of
23 the Three Rivers Levee Improvement Project, the state and
24 the local agencies have made a tremendous investment in
25 what will ultimately become this federal project.

1 Unfortunately, as Ms. Mullin said, we're not going to be
2 able to take advantage of those credits until Congress
3 authorizes them, which right now we're hoping is going to
4 occur in 2010. And so this deferral is an opportunity for
5 us to not make the non-federal contribution that we would
6 otherwise make in moving Marysville forward.

7 I think in addition to the interest question is
8 also how confident are we that we're ultimately going to
9 get those credits. Because if we don't get the credits,
10 then what we're saying is that we're going to pay the
11 non-federal share with or without those credits.

12 And the local sponsors, which is going to also
13 include the city of Marysville, is saying, "We want to
14 move forward. This gets flood protection in place
15 quickly." And we're going to sign a Project Cooperation
16 Agreement later this year that will spell out the terms of
17 how the share will -- how the local share and the state
18 share will be paid with or without those credits.

19 VICE-PRESIDENT HODGKINS: Okay. So we send the
20 request forward with the understanding there are still
21 details about who's picking up interest costs and who the
22 local sponsor may be to be resolved in a PCA that would be
23 associated with the actual construction?

24 MR. REINHARDT: Yes.

25 VICE-PRESIDENT HODGKINS: Thank you. That's

1 fine.

2 BOARD MEMBER SUAREZ: Mr. President?

3 PRESIDENT CARTER: Ms. Suarez?

4 BOARD MEMBER SUAREZ: I have actually a question
5 for Mr. Punia.

6 Don't we have a Board report on this item?

7 EXECUTIVE OFFICER PUNIA: Usually when we bring
8 the 104 and the Section 103 request, we just bring the
9 letters. So there's no staff report on this.

10 BOARD MEMBER SUAREZ: So we don't have an actual
11 letter?

12 EXECUTIVE OFFICER PUNIA: You have a letter.
13 It's included in this package, which was handed this
14 morning to -- it was in your folder -- which includes the
15 letter from me to Colonel Thomas Chapman. And that's the
16 letter we are asking you to approve.

17 BOARD MEMBER SUAREZ: But this letter is slightly
18 different than what we usually do, correct?

19 EXECUTIVE OFFICER PUNIA: Pardon?

20 BOARD MEMBER SUAREZ: This request is slightly
21 different than what we usually do?

22 EXECUTIVE OFFICER PUNIA: That's correct.
23 Usually we deal with Section 104. But this is something
24 unique and new.

25 BOARD MEMBER SUAREZ: And have we had the benefit

1 of legal input in terms of what our liabilities or our
2 commitments are?

3 EXECUTIVE OFFICER PUNIA: Our counsel has
4 reviewed this letter. I will let Ginny Cahill respond to
5 this question.

6 BOARD MEMBER SUAREZ: Okay.

7 LEGAL COUNSEL CAHILL: I actually reviewed what
8 was in the agenda packet, but I haven't yet seen the
9 letter that was actually proposed to be sent to the
10 Colonel. It was --

11 EXECUTIVE OFFICER PUNIA: This was, Ginny, what
12 we Emailed you. And I think you had a chance to review
13 this in the Section 104 letter.

14 MS. MULLIN: Yeah, we did make a couple of
15 changes based on your comments.

16 LEGAL COUNSEL CAHILL: Okay. Yes, I saw them.

17 You know, the form of this letter seemed fine.
18 But I am not very familiar with this particular program.
19 So, I mean, I think it's clear that the Corps has
20 indicated they're willing to entertain this. I don't --
21 you're asking about liability?

22 BOARD MEMBER SUAREZ: I'm just kind of reflecting
23 a little what Mr. Hodgkins said. Do we know the full
24 extent of agreeing to do this, means in terms of -- you
25 mentioned interest and funding and commitments that we

1 might be expected to fulfill.

2 I'm not familiar with this process, so I'm
3 actually looking to being educated.

4 PRESIDENT CARTER: I believe that this process is
5 new, is unique. I don't know that it's ever -- we've ever
6 gone through this process. Certainly this sitting Board
7 hasn't. And normally, as General Manager Punia said, it's
8 normally a 104 request as opposed to a Section 103. So --

9 BOARD MEMBER SUAREZ: Well, in that case, I think
10 a staff report would have been real helpful in this
11 situation, because I feel completely uninformed at this
12 point.

13 PRESIDENT CARTER: Right. Well, the staff report
14 was the one that we heard orally from Ms. Mullin. So
15 there was no written staff report that we could refer to.

16 MS. MULLIN: I would also like to make another
17 comment. This is a time-sensitive issue. Mr. Woodley is
18 going to be leaving office on the 19th of January. And
19 currently we have a commitment from him to entertain our
20 request. We can't be sure that we will have that same
21 commitment from whoever replaces him.

22 EXECUTIVE OFFICER PUNIA: As a staff, we don't
23 see any downside if the Board approves this; that it's a
24 beneficial action which will expedite the Marysville ring
25 levee project.

1 BOARD MEMBER RIE: President Carter, perhaps we
2 can revisit this after lunch after the Board members have
3 had a chance to review the letter.

4 MS. MULLIN: I have one more thing I would like
5 to say before we move on.

6 This letter is not a commitment. This letter is
7 a request to consider a deferral. All of the details
8 associated with that commitment would be worked out when
9 we sign the PCA. At that time, the Board would get --
10 would be able to revisit the situation again before it
11 signed the new contract.

12 PRESIDENT CARTER: I think, Teri, your suggestion
13 is a good one. We can -- maybe it will give us a chance
14 to read the material that we saw this morning.

15 Mr. Hodgkins.

16 VICE-PRESIDENT HODGKINS: No, that's fine. We
17 would act on it this afternoon, potentially.

18 PRESIDENT CARTER: So we would table this until
19 this afternoon.

20 VICE-PRESIDENT HODGKINS: Okay. Because I didn't
21 realize the time-sensitive nature of it. And I do think
22 it's not the project cooperative agreement. They can't
23 actually spend any money, no matter where it comes from,
24 until there is a project cooperative agreement. So, in
25 effect, this is simply a request for the Corps to say,

1 "Yeah, we would be willing to accept deferring payment of
2 the local share." Then if the Corps grants that request,
3 that would be incorporated into the cost-sharing agreement
4 for the local PCA, which would deal with the issue of who
5 pays the interest if there is any.

6 And so I think, while I agree that there could
7 have been a lot better work done in helping the Board to
8 understand this, that it fundamentally is -- it's not a
9 credit request. It's a request for the Corps to say, "It
10 would be okay with us," and, in effect, say, "We will try
11 to secure a federal appropriation that covers the
12 local" -- or "the non-federal share of this project."

13 BOARD MEMBER BROWN: That's where the cash flow
14 would come in then? It would be all funded by the feds
15 and then reimbursed by the county --

16 VICE-PRESIDENT HODGKINS: Yeah. Well --

17 BOARD MEMBER BROWN: -- over 30 years?

18 VICE-PRESIDENT HODGKINS: -- who reimburses --
19 this is the Corps' commitment to proceed that way if, in
20 effect, we enter into a project cooperative agreement.
21 And that's not in front of us yet. And this is an
22 important piece of information to know before you start to
23 work out that project cooperative agreement - is the Corps
24 going to honor a request to defer the non-federal share of
25 the project?

1 So it's really getting information, without
2 exposing us or committing us to do anything, from the
3 Corps so we can proceed forward with the project.
4 And -- you know, I had to read this four times to be sure
5 I understood what we're being asked to do. But it is all
6 there if you read through a couple letters from Woodley
7 and the letter from Yuba County Water Agency. Except
8 there's no explanation of who the non -- the local sponsor
9 is. But it doesn't matter at this point. This is simply
10 the Corps saying, "We're prepared to honor a request to
11 defer the local project." Then we work out the details
12 with these folks of who covers what before we execute the
13 project cooperating agreement -- Project Cooperation
14 Agreement.

15 The thing that's a tiny bit frustrating is, this
16 is the Board making the request without having a local
17 sponsor for the project to say, "Yeah, we agree with
18 this."

19 But we're not asking them to commit. We're
20 simply making an option available that would allow this
21 project to go forward without having to put up the
22 non-federal share.

23 MS. MULLIN: I just wanted to let you know that
24 we do have a member from the Corps here, Scott Parker, who
25 has been very helpful in putting together this request, if

1 you have any questions for him.

2 VICE-PRESIDENT HODGKINS: We just don't know who
3 it is.

4 BOARD MEMBER SUAREZ: How do we know what their
5 intent is?

6 VICE-PRESIDENT HODGKINS: We are the non-federal
7 sponsor. We will enter into an agreement with perhaps
8 another TRLIA, although this time it may be Marysville,
9 the Marysville Levee Commission. Who knows what it will
10 be. It's a detail to be worked out a little further down
11 the road.

12 I think right now we're just trying to get the
13 Corps to say, "Yeah, we agree. We will support deferring
14 the non-federal share." And then we work out the details.

15 BOARD MEMBER BROWN: The letter reads a little
16 different than that in the first sentence though. We're
17 requesting a grant to do -- grant a deferral. So we're
18 making the request upfront.

19 MS. MULLIN: But -- oh, I was going to say that
20 probably could have been better written. We could
21 rephrase it to consider granting a referral.

22 BOARD MEMBER BROWN: Okay.

23 PRESIDENT CARTER: I think the key point here is
24 that the actual contract is in the Project Cooperation
25 Agreement or the Local Project Cooperation Agreement.

1 The letter here is essentially trying to define
2 what the terms might -- or to grant the deferral of the
3 non-federal contribution for the construction of
4 Marysville ring levee.

5 I thought that the Yuba County Water Agency was
6 the local sponsor.

7 MS. MULLIN: They are the local sponsor. We are
8 the non-federal sponsor.

9 PRESIDENT CARTER: Right.

10 So, Ms. Suarez, you had the question as to
11 whether or not -- and, Mr. Hodgkins, you mentioned that
12 there is no local sponsor. I believe that Yuba County
13 Water Agency is the local sponsor. So there is a local
14 sponsor for the project as it stands today. And then the
15 Board is the non-federal sponsor.

16 Okay. Just to clarify that.

17 So just give me a feeling. Do we want to table
18 this at this point or are we comfortable considering it
19 right now?

20 BOARD MEMBER BROWN: Well, if we're just asking
21 them to consider granting a deferral, I see no harm in
22 that if --

23 MS. MULLIN: Just a moment.

24 BOARD MEMBER BROWN: -- Ms. Mullin --

25 PRESIDENT CARTER: Excuse me a second.

1 BOARD MEMBER BROWN: -- as she suggested, that if
2 that's still valid from Mr. Mullins, then I don't see any
3 problem with that.

4 PRESIDENT CARTER: What's the pleasure on this
5 side?

6 BOARD MEMBER RIE: I need five minutes to
7 actually read the letter.

8 PRESIDENT CARTER: Okay. Then we're going to
9 table this for right now. You will be invited back. But
10 let's table it until this afternoon, after lunch.

11 MS. MULLIN: Okay. Thank you.

12 PRESIDENT CARTER: Thank you.

13 Let's move on to Item 12, Schedule for the
14 Central Valley Floodplain Evaluation and Delineation.

15 Consider Resolution 08-28 to approve a schedule
16 for the Central Valley Floodplain Evaluation and
17 Delineation Program pursuant to Senate Bill 5.

18 Good morning, Mr. Pineda. Welcome.

19 (Thereupon an overhead presentation was
20 Presented as follows.)

21 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA: Good
22 morning, President Carter, Vice President Hodgkins,
23 members of the Board. It's always a pleasure to be here.
24 And I wish all of you a very-very happy holidays.

25 Mr. Lane's going to help me bring up my

1 presentation.

2 As you recall, last month at the November
3 meeting, I made three presentations late in the day. And
4 because it was late in the day -- I want to make sure I go
5 forward.

6 --o0o--

7 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA:

8 Because it was late in the day those three
9 presentations were somewhat abridged. So I'm -- the
10 intent of making the presentation in November about the
11 Central Valley mapping schedule was to give the Board a
12 heads-up, try to answer any questions, in anticipation
13 that I would be back or one of my colleagues would be back
14 at this meeting to make a presentation again, again answer
15 any questions, probing questions, and then the Board
16 consider the resolution.

17 So we're here to go over the Central Valley
18 Floodplain Evaluation and Delineation Program and the
19 mapping schedule.

20 --o0o--

21 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA: And
22 Water Code Section 8612, which was added based upon Senate
23 Bill 5, which was the Machado Bill, essentially requires
24 that -- I'll just go ahead and read it -- "on or before
25 December 31st, 2008, the Department" - that means the

1 Department of Water Resources - "shall prepare, and the
2 Board shall adopt, a schedule for mapping areas at risk of
3 flooding in the Sacramento River and San Joaquin River
4 drainage." And essentially that's the whole Central
5 Valley. The watershed is 32 counties. But of course our
6 main focus is always on the valley floor and the areas
7 protected by the State Plan of Flood Control, the 1,600
8 miles of levee.

9 --o0o--

10 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA: The
11 second section of 8612 essentially says -- I didn't read
12 that, but it essentially says that we come back to the
13 Central Valley Flood Protection Board on or before
14 December 31st of each year to give you an update on the
15 mapping and to revise the schedule as needed.

16 The schedule is in the resolution. That was part
17 of your Board package.

18 And let me just -- we went over this the last
19 month, but I think it's very important to go over again,
20 to go over the six priorities of the Central Valley
21 Floodplain Evaluation and Delineation Program.

22 And, again, this is 32 counties. The traditional
23 valley floor is 15 counties. That includes the Tulare
24 Lake basin, which is part of the Sacramento and San
25 Joaquin Drainage District, the Board's authority.

1 But Senate Bill 5 essentially excludes the Tulare
2 Lake basin. So sometimes we say the valley floor's 14
3 counties, sometimes 15 counties.

4 But the whole watershed of the Central Valley is
5 32 counties. And the CVFED program covers all 32.

6 --o0o--

7 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA: So
8 our first priority is to delineate 500-year floodplains.
9 That's the 2/10 of 1 percent annual chance flood for the
10 Sacramento and San Joaquin River basins.

11 We're going to focus first on the 500-year
12 floodplains for the areas protected by the 1,600-mile
13 state and federal levee system, the State Plan of Flood
14 Control. We also need -- because of the Government Code
15 65007, which was part of Senate Bill 5, we need to make
16 sure that these 500-year floodplains, which FEMA refers to
17 as moderate flood hazard areas, need to be put through a
18 regulatory process on FEMA flood insurance rate maps,
19 because the Government Code refers to the moderate flood
20 areas as shown on the FEMA flood insurance rate maps and
21 they are not very widely shown on the existing maps.

22 So we're going to delineate the 500-year
23 floodplains, hopefully for the whole 32-county central
24 valley. But we're going to focus first our money, our
25 efforts, our focus on the 500-year floodplains for the

1 State Plan of Flood Control.

2 BOARD MEMBER BROWN: A question for you.

3 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA:

4 Absolutely, sir.

5 BOARD MEMBER BROWN: Did I understand this does

6 or does not include the Kern, the Kings, the Kaweah?

7 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA: The

8 Senate Bill 5 and the associated Government Code/Water

9 Code sections, Board Member Brown, said excluding the

10 Tulare Lake basin. So that excludes the Tule River basin,

11 the Kings River basin, and the Kaweah River basin's.

12 BOARD MEMBER BROWN: Do you know why that was

13 done?

14 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA: Well,

15 I -- my professional opinion, at this point, is that at

16 one point early in the -- well, at one point the Tulare

17 Lake basin was hydraulically connected to the San Joaquin

18 system. And I've heard historical anecdotes that

19 steamships could essentially travel into that flooded

20 Tulare Lake basin. So there was hydraulic connectivity

21 between the Kings River, the Tule River and the Kaweah

22 River. But because of reclamation of the Tulare Lake

23 basin for farming and water use and reservoir storage,

24 there no longer is that connectivity.

25 I do know that there's a facility called the St.

1 James Bypass, which connects the Kings River -- I've
2 inspected it before -- with the San Joaquin River. So
3 that's kind of really what remains of the connection.

4 So that's -- as I understand it is that
5 historic -- or that hydraulic connection no longer exists
6 except for the St. James bypass. So you could say the
7 Tulare Lake basin is hydraulically independent.

8 Is that sufficient?

9 BOARD MEMBER BROWN: You know, but I just -- our
10 responsibility goes all the way down to the Kings, does it
11 not, and the Kern?

12 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA: Yes,
13 we designated floodways and we inspect Central Valley
14 Flood Protection Board permits and historical Reclamation
15 Board permits on the Kings River, on the Kern River, on --
16 we built projects, the fuse gate spillway modifications on
17 Terminus Dam on Kaweah River, and we're working on a
18 project on Success Dam on the Tule River.

19 So, yes, you are correct. The Board definitely
20 has responsibility for those three river systems. But it
21 was not part of Senate Bill 5.

22 VICE-PRESIDENT HODGKINS: Ricardo, would it be
23 fair to say that that particular provision of the bill
24 might have been a political remedy to getting the bill
25 approved?

1 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA: I'd
2 look at it two -- perhaps. I'd look at it two ways.
3 Perhaps the community's -- Senate Bill 5 comes with some
4 good things and bad things, from a local community's
5 perspective. The bad things are is you're subject to a
6 lot of these mapping requirements and urban level of flood
7 protection if you're an urban community and building codes
8 and lots of other interesting -- or new things that came
9 out of Senate Bill 5.

10 The downside is you're not part of the Central
11 Valley Flood Protection Plan that Mr. Bradley is the lead
12 in doing, which I believe is the catalyst, the plan for
13 our future, the 10-, 25- and 50-year blueprint of how the
14 state will expend state and hopefully direct federal funds
15 and local funds to providing better flood protection
16 throughout the Central Valley.

17 So I believe that as Mr. Bradley and his team --
18 and I think I'm a peripheral part of that team -- we go on
19 and develop that plan and recommend alternatives, the
20 communities within the Tulare Lake basin, those counties,
21 Kings County, Tulare County, Kern County, may feel left
22 out that they're not in the future blueprint, they're
23 not -- they don't have the baggage of the legislative
24 requirements that were part of SB 5, and some of these
25 other bills that refer to the central valley plan that's

1 being established as part of SB 5, but they don't receive
2 the benefit of being in the future blueprint.

3 So I think there's a balance there. And it
4 doesn't mean that the bills -- the code -- the code can be
5 amended in the future if there's the local will and the
6 political desire. So maybe that will happen and it will
7 be part of those communities getting more involved in this
8 Board and the Department's Central Valley Flood Protection
9 planning. But that's the way I see it, that it's kind of
10 a balance.

11 BOARD MEMBER BROWN: Yeah. It just seems strange
12 to leave out what, 25 percent of our area of
13 responsibility in a study that's really a good study and
14 necessary. And that area certainly has its problems also.

15 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA:
16 That's correct. I've done a lot of work along
17 the components -- the downstream components of the Kaweah
18 River in Kings County, and it was quite the effort.

19 I think another point that may -- was the result
20 perhaps that left that component out is there are no
21 project levees along those three rivers - the Kern River,
22 the Kings River, and the Kaweah River. There are project
23 facilities, the fuse gates on the Kaweah River, and there
24 are designated floodways. So maybe that was part of the
25 reason, was that there are no project levees in the area.

1 The Kings River has federal levees downstream of Pine Flat
2 Dam, but the Central Valley Board/Reclamation Board was
3 not the local sponsor of that project. So they're not
4 considered state/federal project levees. They're federal
5 local levees.

6 PRESIDENT CARTER: Okay. Please proceed.

7 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA: Okay.
8 The second priority is to identify and rectify differences
9 between the FEMA 100-year - those are the one percent
10 annual chance - flood insurance rate maps and DWR best
11 available maps. We call those the BAM maps, you've heard
12 various times. You've heard communities that think that's
13 a good product the DWR put out, the BAM, and others that
14 they cause confusion. So DWR as part of Senate Bill 5, we
15 had to go and take all the best available maps from the
16 Corps, comp study, other course studies, DWR studies, FEMA
17 studies, preliminary or final, and put them out on a web.
18 And there's a link on your website. But there are
19 differences between those -- the hundred-year BAMs,
20 because there's also 200-year BAMs, and official FEMA
21 maps.

22 And so we need to rectify on a long term the
23 differences between those. And FEMA has a dynamic program
24 where maps are changing with time as they're doing the map
25 modernization process and a future program called Risk

1 Map. And our BAM maps will change and we need to kind of
2 look at which one's the best and move forward.

3 For example, we have our lower Feather River
4 floodplain for parts of Sutter and Yuba County. And those
5 are almost -- I think Sutter County's official and Yuba
6 isn't. There's a difference between the FEMA maps and the
7 state maps in that area. So we need to rectify those
8 differences. That's the second priority.

9 --o0o--

10 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA: The
11 third priority is we need to do detailed floodplain --
12 planning floodplains for the State Plan of Flood Control,
13 the 1,600 miles of levee. We need to focus on not just
14 the hundred-year flood but the ten-year, which is the ten
15 percent annual chance flood; the 50-year, which is the two
16 percent annual chance flood; the hundred year, the
17 traditional one we'd look at, the one percent annual
18 chance flood; the 200 year, which is the half of one
19 percent annual chance flood; and the 500-year flood, which
20 is the 2/10 or one percent annual chance flood.

21 Why do we need to develop all these planning
22 floodplains? By developing existing conditions or without
23 future project conditions, floodplains for each of these
24 size events, and then developing with project -- some
25 project that hasn't been built, with project or a future

1 modification to the system - we call it an alternative
2 post-project floodplains - how will the floodplain change
3 if we modify, if we widen the Sutter Bypass or extend the
4 Fremont Weir or create a bypass in the San Joaquin River
5 Flood Control System?

6 Well, the floodplains -- we would hope that they
7 get smaller and that damages would go down. So these
8 planning floodplains that we talk in this third priority
9 work with the Central Valley Flood Protection Plan on
10 determining the economic benefits, divided by cost ratio,
11 the BC ratio, and tell us whether these alternatives make
12 economic sense. Are we bringing greater than a dollar of
13 benefit to the United States and to California for every
14 dollar we expend to build a project? So that's why we
15 need the planning floodplains.

16 --o0o--

17 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA: Our
18 fourth priority is to develop 200-year floodplains. And
19 the reason for that is part of the bills require 200-year
20 floodplains as kind of part of that urban level of
21 protection. Communities need to know with the 200-year
22 floodplains. And we're going to focus those on the State
23 Plan of Flood Control. And the Building Code project,
24 which is part of Senate Bill 5, also says that the
25 Building Code requirements that we're going to propose to

1 the Building Standards Commission, which we've talked to
2 you at various times about, we'll be proposing that in the
3 spring of 2009.

4 It applies to 200 areas at risk that are part of
5 the Central Valley Flood Protection Plan that are at risk
6 of flooding to flood depths greater than two feet -- I'm
7 sorry -- to three feet for the 200-year flood event. So
8 that was the -- that's why we need to focus on those two
9 -- I'm sorry -- those 200-year floodplains throughout the
10 State Plan of -- with a special focus on the State Plan of
11 Flood Control, but really for the whole central valley.

12 --o0o--

13 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA:

14 Our fifth area is our Levee Flood Protection
15 Zones. These were required -- these are required by
16 Assembly Bill 162. And, I apologize, I don't have the
17 Water Code section memorized. I think it's 8612. And
18 essentially the Levee Flood Protection Zones are assuming
19 the levees hold to the top who's protected by the levees.
20 So it's a Levee Flood Protection Zone, but also a levee
21 flood -- potential flood inundation zone. We're required
22 to have those maps, the LFPZ maps, prepared by the end of
23 this month. We have prepared those and we've started
24 stakeholder discussions with community officials.

25 There was a meeting on Wednesday in San Joaquin

1 County, and it was a -- I heard a very -- I wasn't able to
2 attend. It was a very productive meeting, a lot of
3 comments were made. And the community will be reviewing
4 those maps and giving us back our comments. Today, as we
5 speak, this morning there's a meeting in Woodland to cover
6 the lower Sacramento and the upper Sacramento area.

7 So we're working on those LFPZ maps. We'll be
8 providing here in the next week a preliminary set of those
9 maps in CD format, in printed format to the Board for your
10 review as the communities do that review. And we have a
11 meeting in the upper San Joaquin area, probably Los Banos,
12 scheduled after Christmas or after New Years.

13 So, LFPZ maps again are part of AB 162, which
14 require us by September 2010 to send a written notice to
15 every property owner who's protected by a project levee on
16 an annual basis and talk about the flood risk and
17 potential mitigation. And we've had discussions about
18 that. So we need to get those LFPZs, and we're well on
19 our way to doing that this first round using best
20 available data.

21 --o0o--

22 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA: Our
23 sixth, and last, priority is that we want the FEMA flood
24 insurance rate maps, they're called DFIRMs, Digital Flood
25 Insurance Rate Maps, to be the most accurate maps

1 possible, because that is really the regulatory map that
2 communities are making development decisions related to.
3 And, of course, it's a form -- the flood map -- the FEMA
4 flood insurance rate maps for the hundred-year event lead
5 to people either not having to buy flood insurance, which
6 is a form of nonstructural mitigation, or having flood
7 insurance.

8 So as a coordinating technical partner, which DWR
9 is via formal agreement, we want to make sure that many of
10 the studies that we do and data sets that we collect are
11 consistent with the FEMA mapping requirements, which is a
12 big technical handbook.

13 And so we'll be providing this data to FEMA. We
14 meet with them on a regular basis. So we want to make
15 sure that as time goes by, FEMA looks at our studies and
16 uses part or all of those studies for flood maps, which
17 they have been doing in Natomas, which they are looking at
18 in West Sacramento, which they are doing in Sutter and
19 Yuba counties and in other areas.

20 --o0o--

21 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA: So
22 those are the six mapping priorities. The resolution that
23 you have before you lists out this schedule, and I'll just
24 briefly describe it. This is the schedule that we're
25 respectfully asking the Board to consider adopting. You

1 can modify it and I can give you my comments if you want
2 to change it.

3 We've got lots of contractors helping us and a
4 staff of seven people under -- working with me to help
5 meet this schedule. We've already collected a lot of
6 radar-based topography info. We've taken advantage of
7 surveys done by the Corps of Engineers. We'll be doing
8 water surveys like what does the river section between
9 levees look like in the water? Those are called
10 bathymetric surveys.

11 So together we've put together digital elevation
12 models, which is all under kind of topography. And we
13 hope to be done with that by June 2009. Once we get all
14 that cleaned up we'll go through kind of our internal
15 Department of Homeland Security process, determine if
16 outsiders want that information.

17 We're working with DWR's Hydrology Office to
18 update hydrology. We have an agreement with the Corps of
19 Engineers, funded through bond funds, that we will be
20 getting hydrology, an update to the comp study hydrology
21 with a lot more storm centerings and hydrographs
22 downstream of reservoirs, by June 2010. And this all ties
23 in to Mr. Bradley's Central Valley Flood Protection Plan.

24 We'll be developing the river hydraulic models by
25 June 2010. Those are essentially updates to the existing

1 HEC-RAS models or new HEC-RAS models where some do not
2 exist. We have to change the data from the 29 data to the
3 88 data, so we're still in the conversion process. We did
4 the San Joaquin, DWR. The Corps' doing the Sacramento.
5 And we'll be doing -- there are a lot of missing pieces
6 that were never part of the comp study.

7 We need to develop a floodplain model. So that's
8 when the water leaves the levee system and goes out to the
9 adjacent floodplains. We use a model called FLO-2D.
10 That's what the Corps uses, so we'll be doing the same
11 thing. And we need to get those models up and running by
12 January 2011.

13 We need to get our draft floodplain delineations
14 for those related to those six priorities. Some are
15 already done on a preliminary basis, like the LFPZ maps.
16 We need to complete that by July 2011. And we hope to
17 have our final floodplain delineations by December 2011.

18 So that is the schedule that's before you. I'm
19 happy to answer any questions related to what I've stated
20 or go over any fine points in the resolution. And so
21 I'll --

22 BOARD MEMBER RIE: President Carter, I have a
23 question.

24 PRESIDENT CARTER: Go ahead.

25 BOARD MEMBER RIE: With the funding provided by

1 the bonds, how does the bond funding freeze affect the
2 mapping efforts?

3 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA: Well,
4 I'm in the middle of, we call them, budget drills, either
5 economic stimulus, how can you spend more money to
6 create -- stimulate the economy or how can you cut funding
7 or cut expenditures to deal with budget crises? And the
8 current bond situation is if you have Proposition 84 and
9 Proposition 1E money that was allocated in previous fiscal
10 years, then we're not considering -- or at least right now
11 the direction that I've read is we're not considering
12 stopping that since the bonds have already been sold. But
13 if you have bonds -- if you have work this fiscal year,
14 which depends -- which was allocated -- which was
15 supported by funds allocated this fiscal year, and you
16 haven't started that work, that means that they haven't
17 sold the bond to cover that work effort.

18 So we do have some -- part of the exercise was to
19 look 12 months ahead. And we do have some bonds in the
20 next 12 months, some bond-funded work that potentially
21 could be halted. But the majority of the mapping work and
22 the hydrology work was related to bond funds that we
23 received last fiscal year and we haven't finished
24 expending. So right now we think we're okay on the CVFED
25 program related to the bond cut.

1 But the rules and the exercises are continuing.
2 I heard about a drill earlier today, and I have staff
3 working back at our office on that drill, related to how
4 we pay for staff salaries. We also have some general fund
5 that we can utilize for this program, very small amount.

6 BOARD MEMBER RIE: Considering the mapping
7 specifically was on the list of items to be frozen, is
8 there a possibility you're going to run out of funds
9 before you get these maps completed?

10 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA: The
11 majority of the money that we have for mapping was
12 allocated last fiscal year. So I'm assuming the bonds
13 were sold based upon the funding schedule that we asked
14 DWR -- that we presented to DWR. So they sold the bonds.
15 That money is supposedly there for us. But as we have --
16 we do have some -- that will carry us through for awhile.
17 But our future bond funding is the one that's in question.

18 So, yes, if there's a freeze on the sale of
19 future bonds, once we run out of our existing funds from
20 last fiscal year, which were substantial, the work will
21 come to a halt because we won't be able to pay our bills.
22 So we would not initiate -- we'd have enough money to pay
23 for our staff and a small amount of additional work, but
24 things would come to a grinding halt.

25 BOARD MEMBER RIE: Well, I'm just wondering if --

1 since it's a possibility that the money that was allocated
2 previously could run out in 2009 or 2010, shouldn't we put
3 something in the resolution that considers that a
4 possibility?

5 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA: I
6 believe, yeah, you could. I think that there's so much
7 uncertainty with the bond funding that to a certain degree
8 this is -- the schedule -- in my opinion, or as I believe,
9 the schedule that you would approve is subject to having
10 the available funds. We've gone through every hoop and
11 hurdle to develop a plan for the funds needed to carry it
12 out, and now we're subject to, you know, the nation and
13 the state's economic situation. So you could add that to
14 the resolution if you would like. That certainly would be
15 appropriate.

16 BOARD MEMBER RIE: Okay.

17 PRESIDENT CARTER: Any other questions for Mr.
18 Pineda?

19 BOARD MEMBER SUAREZ: Mr. President.

20 I just wanted to confirm that the schedule that
21 you have presented to us is one that you have coordinated
22 with Mr. Bradley and fits with the schedule that we've
23 already approved earlier in the day?

24 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA: Yes,
25 it has been.

1 PRESIDENT CARTER: Any other questions for Mr.

2 Pineda?

3 What's the Board's pleasure?

4 We'll entertain a motion to approve Resolution

5 08-28.

6 And perhaps Ms. Rie wants to suggest some changes

7 or additions to that.

8 BOARD MEMBER RIE: Okay. I move we approve the

9 resolution with additional language under Item No. 1, "The

10 Board adopts the following CVFED mapping schedule, subject

11 to funding." And that's it, if that's okay with you.

12 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA: Very

13 appropriate. But you may want to consider the word

14 "available funding" or --

15 BOARD MEMBER RIE: Okay.

16 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA:

17 That's up to you.

18 PRESIDENT CARTER: What the language that we used

19 for Mr. Bradley's -- for the letter?

20 STAFF ANALYST PENDLEBURY: Appropriate funding.

21 BOARD MEMBER SUAREZ: That was in reference to

22 DWR's -- which has discretion in how it prioritizes its

23 funding. So --

24 PRESIDENT CARTER: And I think, doesn't the same

25 apply here?

1 BOARD MEMBER SUAREZ: I don't know.

2 BOARD MEMBER RIE: It's a slightly different
3 issue.

4 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA: Could
5 I speak, Mr. President?

6 PRESIDENT CARTER: Yes.

7 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA: The
8 two bonds actually call out money for -- we draw from
9 three funds within Proposition 1E and Proposition 84. One
10 for capital outlay to develop, we call it, the state -- a
11 systems evaluation of the State Plan of Flood Control.
12 That's capital outlay because we're developing data sets
13 that will lead to future projects.

14 And then we draw on Section 825, which allows us
15 to spend money for mapping. And we draw on Prop 84, which
16 allows us to do work in map -- specifically calls out
17 mapping.

18 So essentially the bonds have categories, and
19 mapping is mentioned in both of the bonds. So "available
20 funding" would be quite an appropriate term to use.

21 BOARD MEMBER RIE: Okay. So "subject to
22 available funding" added after "schedule" for Item No. 1.

23 PRESIDENT CARTER: Okay. So we have a motion to
24 adopt Resolution 08-28, with the change under Item 1 under
25 the resolution, that "The Board adopts the following CVFED

1 mapping schedule subject to available funding."
2 Is there a second?
3 VICE-PRESIDENT HODGKINS: I'll second.
4 PRESIDENT CARTER: Second.
5 Any further discussion?
6 Mr. Punia, would you call the roll, please.
7 EXECUTIVE OFFICER PUNIA: Board Member Emma
8 Suarez?
9 BOARD MEMBER SUAREZ: Aye.
10 EXECUTIVE OFFICER PUNIA: Board member Butch
11 Hodgkins?
12 VICE-PRESIDENT HODGKINS: Aye.
13 EXECUTIVE OFFICER PUNIA: Board Member Teri Rie?
14 BOARD MEMBER RIE: Aye.
15 EXECUTIVE OFFICER PUNIA: Board Member John
16 Brown?
17 BOARD MEMBER BROWN: Aye.
18 EXECUTIVE OFFICER PUNIA: Board Member Lady Bug?
19 SECRETARY DOHERTY: Aye.
20 EXECUTIVE OFFICER PUNIA: Board President Ben
21 Carter?
22 PRESIDENT CARTER: Aye.
23 Very good. The motion carries unanimously.
24 Thank you very much for all your efforts, Mr.
25 Pineda.

1 FLOODPLAIN MANAGEMENT BRANCH CHIEF PINEDA: Thank
2 you.

3 PRESIDENT CARTER: Okay. We have a little bit of
4 time here since Item 13 has been pulled from the agenda
5 for a future meeting.

6 So let's return to Item 7, which we skipped, from
7 the consent calendar. As you recall, when we approved the
8 agenda, only Item F -- 7F, Permit No. 18379, San Joaquin
9 County Department of Public Works, remains on the consent
10 calendar. All the other items, A, B, C, D, E, and G, were
11 pulled or postponed to a future meeting.

12 So we'll entertain a motion to approve the
13 Consent Item 7F.

14 BOARD MEMBER BROWN: So moved, Mr. Chairman.

15 BOARD MEMBER RIE: Second.

16 PRESIDENT CARTER: We have a motion and a second.

17 Mr. Punia, would you call the roll, please.

18 EXECUTIVE OFFICER PUNIA: Board Member Emma
19 Suarez?

20 BOARD MEMBER SUAREZ: Aye.

21 EXECUTIVE OFFICER PUNIA: Board Member Butch
22 Hodgkins?

23 VICE-PRESIDENT HODGKINS: Aye.

24 EXECUTIVE OFFICER PUNIA: Board Member Teri Rie?

25 BOARD MEMBER RIE: Aye.

1 EXECUTIVE OFFICER PUNIA: Board Member John
2 Brown?

3 BOARD MEMBER BROWN: Aye.

4 EXECUTIVE OFFICER PUNIA: Board Member Lady Bug?

5 SECRETARY DOHERTY: Aye.

6 EXECUTIVE OFFICER PUNIA: Board President Ben
7 Carter?

8 PRESIDENT CARTER: Aye.

9 Consent Calendar passes unanimously.

10 At this point, we are still ahead of schedule.

11 Why don't we move on to take care of some of the Board
12 comments and task leader reports, Item 15 before our noon
13 hour.

14 Are there any -- maybe we can just go down the
15 line in terms of task leader reports.

16 Mr. Suarez, would you like to start?

17 BOARD MEMBER SUAREZ: Thank you, Mr. President.

18 I just wanted to remind the public that our first
19 group of changes to our regulations have been posted on
20 the Internet. And thank you to staff for doing that. And
21 I encourage the members of the public to take a look and
22 participate in the rule-making process.

23 And on that I'll segue to the second item that
24 perhaps we can put as a discussion item, either today or
25 for early next year, is how to best proceed with the

1 second tier of regulatory changes, which are the more
2 complicated, more technical in nature. And I realize that
3 there might be some budgetary issues and need to be
4 considered.

5 I would like to remain involved in it. And in
6 any way that we can kind of keep the momentum going would
7 be great. But I would like to put that on notice for the
8 President that there probably needs to be some discussion
9 in how to best proceed, especially with the money
10 situation on those.

11 PRESIDENT CARTER: Okay. Would you like to hold
12 that discussion -- or would you like to introduce us to
13 the issues right now or do you want to hold that
14 discussion for next month?

15 BOARD MEMBER SUAREZ: Well, I could briefly say
16 that we have a second tier of regulations that we're going
17 to be reviewing that have to do with the structural nature
18 of the system and improving some of the standards. Those
19 will be very technical in nature. I believe that Mr.
20 Punia has already sent Mr. Fua and perhaps Mr. Hester as
21 part of the technical group in charge.

22 The question becomes, is -- I'd like to be able
23 to get to the point soon where we've laid out perhaps a
24 schedule and outline. We know the issues that were going
25 to be covered. Those we have kind of set out earlier this

1 year. But set up a schedule of work, and especially in
2 terms of getting technical participation from
3 stakeholders.

4 So that's just kind of the discussion that we
5 need to have, whether it's a priority of this Board that
6 we move forward with this second tier of regulations. And
7 if it is, then how do we prioritize by giving staff time
8 for that?

9 PRESIDENT CARTER: Okay. Does staff want to
10 comment on any of those considerations, Mr. Punia?

11 EXECUTIVE OFFICER PUNIA: Yes, based upon Board
12 Member Emma Suarez, we had a discussion among the staff.
13 And Dan has been tasked to develop the scope of the second
14 phase of these regulations. I think once we have the
15 scope, then we will decide whether we can entertain this
16 at our staff level or we may have to hire a consultant to
17 move forward on the second phase.

18 So that's where we are. We are going to have
19 another meeting once we develop the scope. And then we
20 will come back to the Board with our recommendation
21 whether we can tackle this with our technical staff or we
22 may have to hire a consultant to help us, the second
23 phase.

24 Dan may have additional information on this
25 subject.

1 SUPERVISING ENGINEER FUA: Well, as Board Member
2 Emma Suarez said, we had a kind of plan of what Tier 2
3 should look like. And essentially it's a review of the
4 existing standards in the regs. And that's Article 8 of
5 our regs. And there's a lot of that. We don't know yet,
6 you know, what the extent of the work that would be
7 involved. But we're guessing that we'll have to review
8 all the standards and coordinate with a lot of the
9 industries that are, you know, related to these standards,
10 like pipes, for example, and other industries. So we're
11 thinking that it would involve a lot.

12 The other area that we're thinking of including
13 under Tier 2 would be the 408 improvement over the -- the
14 improvement projects under the 408 process. This is one
15 of the major comments that we've received from the
16 stakeholder meeting that we had last June. So that's
17 another big item.

18 PRESIDENT CARTER: I think the important thing
19 here, as Ms. Suarez mentioned, is to try and maintain some
20 momentum. So I think we'd be looking to staff to come
21 back to the Board perhaps in January with a reasonable
22 recommendation as far as a schedule. And we want to have
23 some milestones and we want to maintain progress here. We
24 don't want this to go on to the back burner. So that
25 would be an expectation.

1 I don't know, Emma, as the lead on this, do you
2 have anything else you'd like to ask the staff to do for
3 January?

4 BOARD MEMBER SUAREZ: Not necessarily the staff.
5 But I gather that it's still an interest of this Board
6 that we move forward with the second tier as a priority
7 for us in 2009, is that --

8 BOARD MEMBER RIE: Mr. Suarez, can I ask a
9 question?

10 BOARD MEMBER SUAREZ: Absolutely.

11 BOARD MEMBER RIE: I seem to recall Senate Bill
12 17 or Assembly Bill 5 had some sort of requirement for new
13 levee standards. Did that ever get included in the final
14 bill and --

15 BOARD MEMBER SUAREZ: I'd have to check.

16 BOARD MEMBER RIE: Okay. Because I think when
17 you consider funding in the plan for implementing those
18 technical changes in the levee standards, I think you need
19 to look at what's required in the legislative package that
20 was approved. So there may be some mandates there.

21 PRESIDENT CARTER: Okay. Mr. Hodgkins.

22 VICE-PRESIDENT HODGKINS: One thing that I'd like
23 staff to include in their recommendation, if this meets
24 the sense of the rest of the Board, is potentially
25 identifying a subcommittee to work on these regulations so

1 that you have the possibility of doing separately noticed
2 workshops that include members of the Board as we try and
3 figure out what we're going to do with those regulations.

4 BOARD MEMBER RIE: I believe there is a
5 subcommittee. I'm not personally on it. But I believe
6 Ms. Suarez is on the Committee, along with Dan Fua, Ms.
7 Cahill.

8 PRESIDENT CARTER: I think it's kind of a task
9 committee as opposed to a formal subcommittee with public
10 meetings. I know they held public meetings. And as part
11 of the process for changing regulations, it's required to
12 have public meetings. But I get the sense that Mr.
13 Hodgkins is asking for something -- for the formation of
14 perhaps a formal subcommittee, that includes multiple
15 Board members, to have a more open process.

16 VICE-PRESIDENT HODGKINS: And that's my personal
17 preference. I mean, I'm interested in hearing what the
18 rest of the Board thinks.

19 I just think that would be helpful as you get
20 into the issues that you're going to be addressing in the
21 next phase of these regulations. It's totally up to the
22 rest of the Board. But, remember, we need to designate
23 that subcommittee if we're going to have one. And that
24 would be perhaps appropriate consideration for the January
25 meeting.

1 PRESIDENT CARTER: Okay. And so I would
2 -- maybe, Emma, you can pull your team together and
3 discuss that as an option. And then when we hear back
4 from staff in January, we can hear what you all have to
5 recommend in that regard. But I think momentum is pretty
6 important here.

7 Okay. Anything else, Emma?

8 BOARD MEMBER SUAREZ: No, sir. Thank you.

9 PRESIDENT CARTER: Mr. Hodgkins.

10 VICE-PRESIDENT HODGKINS: Well, a couple of
11 items. As I mentioned earlier, we do have additional
12 formal federal Corps guidance on 408. I think that
13 guidance has been sent to all of the Board members; is
14 that correct?

15 BOARD MEMBER RIE: Yes.

16 VICE-PRESIDENT HODGKINS: Okay. I think the task
17 force is perhaps not thrilled with the details of that
18 guidance. But I think we would generally agree that it
19 probably at least has some basis and logic and is a
20 document that we appreciate the Corps having gone through
21 a lot of effort to get out and working with the task
22 force.

23 We are in the process of going through the formal
24 guidance now and trying to figure out what we understand
25 and don't understand. And we're going to have another

1 conference call with the Corps to go over those issues, so
2 that we have at least an understanding.

3 I think in terms of the biggest implication here,
4 that the guidance would allow some of the projects that in
5 the past have had to go through 408 to go forward under
6 208 providing that the non-federal sponsor -- there would
7 be no non-federal sponsor, because it would be a project
8 that was being done as maintenance and therefore was not
9 eligible for any federal credit or funding. So you could
10 now do a slurry wall under 208 as long as you did not
11 expect to get credit for the cost of that kind of work.

12 That's a step forward, where those kinds of
13 things need to be done quickly to address a problem. And
14 it's a step forward. It would have been nice if there was
15 some way to go after the credit. But you could always do
16 that legislatively after the fact.

17 So, that's real progress. And I think the task
18 force -- the Corps members of the task force have worked
19 very hard with the subcommittee and we appreciate that.

20 We still don't have resolution on defining an
21 acceptable risk and uncertainty kind of hydraulic
22 analysis, which is in this guidance for anything being
23 done under 408. We're continuing to work on that. And I
24 understand there's a seminar coming up -- I don't know, a
25 seminar -- but a presentation in February at HEC to talk

1 more about risk and uncertainty. So that will be
2 interesting to be involved in.

3 The other one is we met with Steve, John and I
4 did, on the Board's interest in how it wants to
5 participate in the development of the Central Valley Plan.
6 I think -- and in that conversation, we identified several
7 kind of basic issues that we think the state needs to
8 explain what their intent is.

9 For instance, there are integrated regional water
10 management plans, and DWR often says we expect flood
11 control and water supply to be integrated. I think in
12 developing the plan, they need to help the rest of us
13 understand what that means.

14 Other issues that I think -- these are basic
15 groundwork issues that need to be defined so that people
16 who are interested in the plan understand what the base
17 work is: There's a record of decision on CALFED. What
18 does that mean? There's a definite need to look at
19 watershed planning and the kinds of benefits that might
20 come out of that from flood control. What is the state's
21 intent with respect to that? Those kinds of things.

22 And then there is coming a PMP, Project
23 Management Plan. The first phase of this is a lot of
24 public outreach and some interviews of stakeholders. As
25 soon as we get the Project Management Plan, I think we

1 will share it with the other Board members as well as any
2 comments we may have on it, so that you're aware of what
3 that is.

4 We need to get a little farther down the road in
5 some ways before I think we can specifically identify
6 issues that we need to get direction from the rest of the
7 Board on or in order to help Steve move forward.

8 The public outreach and -- the first part of
9 this, going out and discussing it with stakeholders, that
10 makes perfect sense to do. But then where do we go from
11 there I think is depending on what you hear from the
12 stakeholders and what the project management plan is.

13 I think the last one is, I've been participating
14 in the Lower Bypass Planning Forum. At the last meeting
15 of the planning forum, representatives of the Delta
16 Conservation -- I don't have the right words -- but,
17 anyway, the group of conservation and environmental
18 measurers that are being proposed to help overcome the
19 Corps' constraints on water exports, they came forward and
20 talked to the task force about the kinds of things they'd
21 like to do in the bypass. And it was an interesting
22 presentation.

23 They very much would like to do the habitat in
24 the lower bypass. And then they would like to find a way
25 to convey for 30 to 45 days in late winter, early spring

1 of most years somewhere between 1,000 and 3,000 cubic feet
2 of water -- 1,000 and 5,000 cubic feet of water through
3 the bypass when that water's available in order to use
4 that water to flood ground. Flooded ground in the bypass
5 provides incredible benefits for particularly the fish and
6 biota that are a problem for export pumping. So there
7 will be more on that matter as it gets a little more
8 solidified.

9 I think they're a little tentative now about
10 exactly what they want to do. But we're trying to get
11 somebody from the Corps to participate in the task force,
12 because while -- you know, right off the -- a notch in the
13 Fremont Weir really doesn't change the flood control
14 system.

15 I think it's going to be of huge interest to this
16 Board and the Corps of Engineers, as well as the
17 understanding how people feel about the potential impacts
18 of flooding portions of the bypass, which are farmed,
19 during some years. So it's potentially a very important
20 decision that has to be made, because it could be very
21 critical from a water supply and Delta export standpoint.

22 But it's also one that's very much of interest to
23 us in preserving the flood characteristics of the bypass.
24 So as it becomes more acknowledgeable, we will bring it
25 forward.

1 I would say that it doesn't appear to me that
2 there has been close coordination between the habitat
3 conservation plan and the flood control aspects within
4 DWR, because these folks were headed directly to the Corps
5 without even coming to the Board or FloodSAFE to discuss
6 these kinds of measures.

7 So I think those are the three main things for
8 me.

9 SECRETARY DOHERTY: Question.

10 VICE-PRESIDENT HODGKINS: Yes.

11 SECRETARY DOHERTY: I had a call from someone
12 that said that they wanted to turn the Yolo Bypass into a
13 water conveyance system full year-round and did I know
14 anything about it? And I said no.

15 So how will they convey water through the bypass
16 if the water is -- if the river is down below the opening?

17 VICE-PRESIDENT HODGKINS: That's one of the
18 challenges. And those are details that they haven't
19 really gotten around to addressing yet. They're still at
20 the point of figuring out how many acres would be flooded
21 under various flows. They haven't looked yet at how often
22 you could, by gravity, get that water into the bypass.
23 And I suspect not very often. We've all seen the Fremont
24 Weir. And the top of the Weir is about the elevation of
25 ground at the upper end of the bypass. So it's hard to

1 get water into the bypass in most situations. But there
2 are lots of other ways to do that.

3 SECRETARY DOHERTY: And how much of that land is
4 privately owned within the bypass, about?

5 VICE-PRESIDENT HODGKINS: I'm going to make a
6 guess that 75 percent of it is still privately owned. I'm
7 not sure that people wouldn't be willing to sell for the
8 right price, because there's a lot of frustration with
9 trying to farm with the uncertainties of when the bypass
10 is going to be flooded one year or flooded in June.

11 There were huge losses for people who had crops
12 planted and then they got flooded out. But those are all
13 issues that need to be discussed in both informal and
14 formal workshops and hearings so that the public has an
15 opportunity for input.

16 SECRETARY DOHERTY: Thanks.

17 PRESIDENT CARTER: Ms. Rie.

18 BOARD MEMBER RIE: I'll make it brief.

19 If I could add with respect to the 408 task
20 force. Early on it was looking like the Corps was going
21 to consider planting willows on levees, a 408 approval.
22 And in our last conference call, we were able to get Corps
23 headquarters to clarify that planting willows on the
24 levees will be processed under 208-10.

25 So that's good news for DWR perhaps.

1 Okay. So I don't have any more to report on task
2 items. But I do want to comment on a couple of
3 acknowledgments.

4 I want to acknowledge Lorraine. She has done a
5 tremendous job with all of our personnel issues and our
6 paperwork issues, and we really appreciate it.

7 STAFF ANALYST PENDLEBURY: Thank you.

8 BOARD MEMBER RIE: Especially this month at
9 Christmas time.

10 (Laughter.)

11 BOARD MEMBER RIE: And I'd also like to
12 acknowledge Jill. Jill has done a fabulous job getting
13 our other paperwork to us very quickly. She gets it back
14 to us within a few days. And we really appreciate that,
15 Jill. So thank you very much.

16 VICE-PRESIDENT HODGKINS: I second that. And
17 they never cross, which just amazes me.

18 (Laughter.)

19 PRESIDENT CARTER: I think all the Board members
20 appreciate you all, even though we don't give you
21 accolades often enough. But thank you very much for all
22 of your efforts.

23 Mr. Brown.

24 BOARD MEMBER BROWN: Two things, Mr. Chairman.

25 One, I again met with Mr. Neil Schild of

1 Montgomery Engineers on the Meridian project. And that
2 project, it's not going to go through this year,
3 obviously, because of not getting the permit signed by the
4 Corps. And Jay has worked very hard and diligently, I
5 know, trying to push that permit along with others, to
6 where that project could have proceeded on schedule this
7 year. So now they're just hoping to get it done next
8 year.

9 But it brings up a point, in that I wonder if
10 there is an opportunity or a need to write the Bureau to
11 see if there's any slack that they can allow us to cut
12 into some of the more nontechnical applications that come
13 forth from our Board. I think we know the answer of that
14 with the other project hanging over their head.

15 But nevertheless, it seems like there are
16 applications that come forth from this Board that really
17 are not very difficult to comprehend, and there might be
18 an opportunity for us to go ahead and authorize those
19 projects unilaterally. It may be an exercise in futility,
20 but one that we may wish to consider as a board. That's
21 one.

22 The other issue is that I'm still working with
23 the Plumas Pines Resort in trying to conserve some of
24 their pre-1914 water rights through conservation measures
25 and getting that wheeled through the state to downstream

1 water users.

2 But, again, I see nothing in that project that
3 should come before this Board, Mr. Chairman.

4 PRESIDENT CARTER: Okay. Thank you.

5 Ms. Doherty.

6 SECRETARY DOHERTY: Yes. Is there anyone here
7 that boats on the Board?

8 No?

9 I have some -- and I don't have enough for
10 everybody here. But it's "Don't Move a Mussel," about the
11 quagga mussels and the others -- oh, the zebra. And
12 they'll be plugging up the fish screens on the river if
13 they happen to get into our river.

14 The other thing was I have here -- and I'm going
15 to pass it to you, so you can see that something is being
16 done apparently for flooding. The city of Yuba City,
17 Department of Public Works sent out letters to everybody
18 to be prepared for floods, and what you're supposed to do,
19 and so forth and so on. So apparently it's making
20 headlines in some places.

21 I went to a TAC committee for the Sacramento
22 River Conversation Area Forum, and they are restoring
23 1,500 acres -- over 1,500 acres with a J levee up at
24 Hamilton City. And then they said they were going to put
25 a fence in. "Well, how long is your fence?" "Well, seven

1 miles." "What kind of a fence?" "Well, it's an
2 eight-foot high Cyclone fence." "Well, how much is that
3 going to be?" "Four million dollars." "So what's the
4 fence for?" "It's going to have openings every so often
5 on the levee. So then when floods come, they're going to
6 put a sign up so maybe the deer can find where the opening
7 is and he can go through."

8 But apparently some other people were as
9 astounded as I was when I heard about the \$4 million levee
10 fence. And so there was a question that went out to
11 everybody, "What do you think about this fence?"

12 So that was a bit of a surprise to me.

13 Then the Parks Division made a report to us. And
14 they want to have camping along the river. I'll get in my
15 canoe and I'll go so far in a day. Then there'll be a
16 place for me to get out. And they want to improve the
17 entire river for this type of thing.

18 Now, I sent that down to Gary Hester. And Mr.
19 Punia replied to the Parks Department that they would have
20 to -- here, you can pass that down -- they would have to
21 apply to us if they were going to put things inside the
22 river. They'd have to work closely with us.

23 So there's all kinds of things going on out
24 there.

25 And then the next question I had was about this

1 gate on the river down here. That's this resort area, the
2 Mirage or whatever it was. Did they, in fact, get a
3 permit to put that fence across the levee? Do we know
4 that?

5 It came up when Major Murphy came before our
6 Board. Do we know if -- was that done with a permit or in
7 violation?

8 EXECUTIVE OFFICER PUNIA: I'm not up to speed on
9 this. Maybe, Gary or Jon, if you're up to speed on this.

10 SECRETARY DOHERTY: Well, you know, if we're
11 refusing Mr. Murphy, I think we ought to question this and
12 find out whether or not, in fact, they do have a gate up
13 on that levee.

14 Do we have a key to that gate in case of flood
15 fight? I don't know.

16 The next thing I asked of the Corps, would the 2D
17 modeling cost \$500,000? No. That's going to be if you're
18 going to do the whole section of levee. But they said
19 that they thought maybe 200,000 would be realistic, but
20 not 500,000.

21 And then the next thing is, are we going to
22 request the Department of Fish and Wildlife to apply for a
23 permit because they've changed the character of the
24 bypass? Or are we going to request that they prove to us
25 that the conveyance system is the same as it was when they

1 took control of it?

2 So, Mr. Punia, what are we going to do about
3 that? Are we going to request that they do that?

4 EXECUTIVE OFFICER PUNIA: The way my
5 understanding is, because the National Wildlife Refuge is
6 an existing facility, that we need to revisit this at the
7 Board level of whether we can ask them for a permit or
8 not, because it's already there.

9 SECRETARY DOHERTY: But it wasn't there when they
10 took possession of it. And Mr. Montna had to come before
11 us. Venoco or Venoco, whatever they are, they want to
12 build a platform out there. They're going before us with
13 a permit.

14 So why when they change the character of what
15 they took possession of did -- that would be like saying
16 Venoco doesn't have to do this. Why would they have to
17 apply for a permit?

18 EXECUTIVE OFFICER PUNIA: I think you have a
19 valid point. We need to discuss with the legal counsel
20 and come up with a position on this subject. But because
21 they are already there, the new applicants are coming to
22 modify the bypass. And they definitely need an
23 application from us. But for existing national facility,
24 whether we can force them to apply for an encroachment
25 permit, I'm not clear. But we will discuss this issue and

1 then report back to you.

2 SECRETARY DOHERTY: Okay. I would like to know
3 what you decide.

4 BOARD MEMBER RIE: And should we schedule that
5 for a future meeting? Because we talked about that same
6 issue when we approved the Sutter Bypass resolution. And
7 I thought we were going to make that a priority and bring
8 it back to the Board.

9 SECRETARY DOHERTY: Okay. So I would like some
10 answers.

11 So other than that, I don't think there was
12 anything else that I wanted to bring to you.

13 PRESIDENT CARTER: Thank you.

14 SECRETARY DOHERTY: You're welcome.

15 PRESIDENT CARTER: What's consumed most of my
16 time other than regular administrative tasks for the Board
17 is -- let's see. I was in Virginia with the National
18 Committee on Levee Safety Review Team. We met on the
19 12th.

20 There was also a webcast this last Tuesday. I
21 don't know if any of you had a chance to participate. It
22 was essentially -- they presented the same information
23 that they presented to the review team, with some tweaks
24 based on feedback from the Committee and the Review Team.

25 They have come a long way in a very short amount

1 of time with regard to their charge. The question I
2 always ask is, why didn't they start earlier? And
3 nobody's really given us a satisfactory answer. But their
4 plan is to submit a recommendation to the Federal
5 Legislature in the middle of January. And the information
6 and the work product that the Committee has developed is
7 available to the public on their website. And I don't
8 have that web -- wait, maybe I do have that web address
9 for you.

10 EXECUTIVE OFFICER PUNIA: I think if you do the
11 Google on the National Committee on Levee Safety, people
12 can access that site.

13 PRESIDENT CARTER: Yeah. National Committee on
14 Levee Safety or NCLS, you'll be able to get the website.
15 But they have meeting materials for all the meetings of
16 the -- for the two meetings that the review committee has
17 had. And those are -- essentially the review committee
18 takes work product from the working committee and responds
19 to questions of the committee and also provides general
20 feedback. So if you find that information, you've
21 essentially found the work product that they're -- that
22 the committee's working on and will be submitting to
23 Congress.

24 But I'm very impressed with the amount of
25 progress that they've made and the broad representation

1 that they have had on this committee, both on the
2 committee as well as the review team for developing this.

3 BOARD MEMBER BROWN: Perhaps Jay could Email out
4 the web address to us.

5 PRESIDENT CARTER: Okay.

6 EXECUTIVE OFFICER PUNIA: Yes, I will do that.

7 PRESIDENT CARTER: Okay. Also working on the
8 roundtable -- we haven't had a meeting since October.
9 However, there are some issues to be resolved primarily
10 between the Corps and DWR with regard to the tone of the
11 framework document. And so I have been going back and
12 forth between the Corps and DWR and trying to find out
13 where the gaps are and hopefully get some agreement on
14 that. There's still work to be done there. Our hope
15 was -- we've got a meeting scheduled the first week in
16 January. I think it's January --

17 EXECUTIVE OFFICER PUNIA: -- 9th.

18 PRESIDENT CARTER: -- 9th of the roundtable. And
19 our hope was to finalize the framework in time for the
20 January Board meeting to roll it out to the public and
21 make a press release and announcement. At this point, I
22 don't know if that's going to occur. We're still working
23 towards that, but it's in question.

24 I toured the Cherokee Canal at the invitation of
25 DWR. They were having a meeting with the resource

1 agencies. The Fish and Wildlife, Fish and Game, NOAA
2 Fisheries, Regional Water Quality Control Board, Army
3 Corps, and DWR were all involved and the DWR consultants
4 they're using for this project. It was a good meeting and
5 tour.

6 I would suggest that the Board consider having a
7 tour of the Board sometime perhaps in February or March.
8 Hopefully, they'll be a little further along in their
9 project. They'll know a little bit more definitively what
10 the expectations are of the resource agencies in that
11 piece of the project and what their plans might be to meet
12 those expectations, as well as providing a level of flood
13 protection that the system was designed for.

14 So I'd propose that maybe we take a trip up there
15 on one of our meetings next year.

16 BOARD MEMBER BROWN: Maybe the earlier the better
17 on that one, Mr. Chairman.

18 PRESIDENT CARTER: Okay.

19 BOARD MEMBER BROWN: January or February.

20 PRESIDENT CARTER: Yeah. So we'll work with DWR
21 to try and schedule that at a good time, a convenient
22 time.

23 Then yesterday, we -- the Board hosted a meeting
24 and a tour of the South Pacific Division staff at the JOC.
25 Originally, General McMahon, was going to attend, and had

1 to regret at the last minute. And his executive
2 assistant, and a new member of his staff, Mr. Paul
3 Robersshaw, who is working on integrated water resources
4 management, came by. We discussed the Board's role in
5 flood management in the state. We took them on a tour of
6 the Flood Operations Center, the National Weather Service,
7 the California/Nevada River Forecast Center, State Water
8 Project, and Federal Water Project.

9 Mr. Robersshaw, I thought, was fairly
10 well-informed, asked good questions. And Butch was on
11 that as well as Jay and Gary. I was not able to stay for
12 the entire visit.

13 But, I don't know, Butch and Jay, if you wanted
14 to added anything. I thought it was a -- basically, they
15 were taking this gentleman around and showing him and
16 introducing him to the various state and local agencies
17 that are involved in flood and water. He visited -- just
18 prior to us, he visited Director Snow and members of his
19 executive staff. He visited the district. And so he's
20 kind of making the rounds.

21 Did you have anything else to add there?

22 EXECUTIVE OFFICER PUNIA: No. I think the tour
23 went well and it was a good exchange of information
24 between them and us.

25 PRESIDENT CARTER: Okay.

1 VICE-PRESIDENT HODGKINS: One thing. We talked
2 about exactly what his role is. I mean, I understand he's
3 working for the General who commands the Division, not for
4 the District. And he basically is to serve as sort of a
5 knowledgeable liaison to help the Corps figure out how
6 they might be of more assistance in what they're calling
7 integrated water resource planning and construction, which
8 is a positive step, and it will be interesting to see
9 whether anything could be done to engage them earlier in
10 these kinds of processes.

11 And he got an earful from me on permits, which
12 was probably not appropriate, but I couldn't help it.

13 (Laughter.)

14 PRESIDENT CARTER: That's a great segue to my
15 final item, which was perhaps it's time for us to schedule
16 another meeting with the Colonel to -- I notice in our
17 packet, staff has prepared an update on the permit status
18 for us, including all the details. I think maybe we ought
19 to follow up, since it's been at least two months since we
20 met with them last to find out how their new hire is
21 coming along and see if we can move that process forward a
22 little bit better.

23 BOARD MEMBER BROWN: Before we write a letter on
24 that issue, could you just open the subject up with them
25 and see if there are permits that they would feel

1 comfortable with us signing unilaterally.

2 PRESIDENT CARTER: We can ask the question. We
3 asked the question last time we met with them. But I
4 think the intention right now is just to meet with them,
5 to follow up on the first meeting we had with them. So
6 this would be with Colonel Chapman and his staff.

7 I do understand -- or I heard through the
8 grapevine that Jim Sandner was getting ready to retire in
9 January or February. And he's been a key contact for us
10 in terms of this permit processing. So this meeting would
11 also kind of identify who we're passing the baton to and
12 make sure that that transition is seamless and whatnot.

13 I don't have anything else.

14 BOARD MEMBER RIE: Mr. Brown brings up a good
15 point. It's probably not necessary for them to spend a
16 lot of time reviewing each and every permit. And it seems
17 like we could work towards developing a category where
18 they don't necessarily have to look at everything and they
19 can make their decision based on our staff's input, you
20 know, things like pipes, steps, stairs, docks.

21 PRESIDENT CARTER: One of the things that we
22 agreed to last time we met, to try and streamline the
23 process, was to establish a standardized form that we
24 submit the permits to them. And the form would identify
25 the key points - locations -- and there would be kind of a

1 summary page. And locations, potential issues, so that
2 they can figure out routing more efficiently and
3 effectively within their organization. And I know that
4 Jon has been working on that form.

5 Is that complete? Are we using that? Have we
6 implemented that yet?

7 FLOODWAY PROTECTION SECTION CHIEF YEGO: No.

8 EXECUTIVE OFFICER PUNIA: Not yet. I think
9 we haven't made much progress on this, but we will be
10 working on this. We have -- they requested two items.
11 One was they wanted a 60-day approval request that they
12 needed a 60-day notice. We have implemented that action
13 right away, that we are giving them 60-day advance
14 request, that which permits are the priority permits, and
15 we want them to pay attention.

16 The second component, which is a reformulating
17 our package, that we are working on it. We haven't yet
18 formalized that. But we will be -- when we meet with the
19 Colonel, we will have some kind of -- our proposal how we
20 will reformulate our information packaging of the
21 information to the Board.

22 PRESIDENT CARTER: Okay. I'd suggest, yeah, we
23 get going on that, and we get a proposal, send it to them,
24 and meet a week later to follow up.

25 BOARD MEMBER RIE: And I would be happy to help

1 in that regard, because the other agency I work for has a
2 similar process with the Corps, and we get things back
3 within days. So, you know, if we could streamline the
4 process, I'd be happy to help.

5 PRESIDENT CARTER: I would welcome the help, if
6 you want to --

7 BOARD MEMBER RIE: Sure.

8 PRESIDENT CARTER: -- coordinate with Jay and
9 Jon. I believe Jon's taking the lead on the packaging
10 piece of that. So --

11 BOARD MEMBER RIE: Sure. Maybe we can
12 conference, you know, after the holidays, and I'll be
13 happy to help.

14 PRESIDENT CARTER: Okay. So, Jon, you'll be sure
15 that happens?

16 FLOODWAY PROTECTION SECTION CHIEF YEGO: Okay.

17 PRESIDENT CARTER: Thank you. Okay.

18 I don't have anything else. So let's break for
19 lunch.

20 I remind Board Members, please read the
21 information regarding Item -- what was it? -- 10 --
22 12 -- 11 - I'm sorry - Item 11, Yuba County Water Agency's
23 103 request. Read the letter, decide if there are any
24 changes you'd like to make. I would encourage Ms. Mullin
25 to do the same. Get everybody's ducks in a row, so that

1 we can expedite the consideration of the -- or
2 reconsideration of this Item 11 after lunch.

3 So we'll break for an hour. We'll be back here
4 at 1:20.

5 (Thereupon a lunch break was taken.)

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1 AFTERNOON SESSION

2 PRESIDENT CARTER: Good afternoon, ladies and
3 gentlemen. If you could take your seats, we'll continue
4 with the meeting of the Central Valley Flood Protection
5 Board.

6 If you were here this morning, you will recall
7 that we had tabled Item 11, which was the Yuba County
8 Water Agency's 103 request.

9 What I'd like to do is go ahead and -- I'm hoping
10 that we can resolve that issue quickly. So we'll address
11 that item right now and then move on. We have left on the
12 agenda items 14, 16, 17, and 19. So we're on the home
13 stretch.

14 So with that, Ms. Mullin, if you'd like to
15 continue.

16 MS. MULLIN: Yes. Thank you, President Carter.

17 I would like to start with thanking the members
18 of the Board for giving this item such due consideration.
19 I know it's been kind of thrust upon you in a last-minute
20 way.

21 We were scrambling at the last minute to get this
22 letter together and get the packet to you. And it's been
23 kind of a tight timeline. And I know it's quite a lot to
24 digest, especially right before Christmas. And I
25 appreciate your sensitivity to our time constraints.

1 Right now, I'd like to introduce Scott Parker,
2 who's going to kind of discuss the 103 process a little
3 bit with you. And you could address any questions you
4 might have to him.

5 MR. PARKER: Good afternoon, ladies and gentlemen
6 of the Board and staff. I'm glad to be here. Let me
7 introduce myself. I'm Scott Parker. I spent 34 years
8 with the Corps of Engineers serving our great nation in
9 California, in Michigan in the Great Lakes area, in New
10 Mexico, and time in our headquarters office in Washington
11 DC. I retired from the Corps. But I love the Corps so
12 much that I came back as a retired annuitant. And the
13 Sacramento District has asked for some assistance in their
14 planning processes and their planning programs. And I'm
15 happy to be here in Sacramento assisting the Corps in that
16 regard.

17 Let me say, I've been working on the Yuba
18 project. And the non-federal sponsors for that project,
19 the Yuba County Water Authority and the state, have been
20 very effective in their aggressive approach to not only
21 seeking credits where credits are applicable, but getting
22 the policy approvals to apply those credits to maximize
23 the state funding that has been made available for flood
24 control.

25 In that regard, there was a meeting with the

1 Assistant Secretary's office to apply -- seek his approval
2 to apply credits that are potentially earned from the Yuba
3 portion of the project and apply them to Marysville to
4 accelerate construction of the Marysville component and to
5 provide much needed flood protection to the at-risk
6 population, but to do so without any additional financial
7 requirement from the state by using credits.

8 The good results of that meeting is that the
9 Secretary said that he would approve a policy exception to
10 allow any credits earned in the Yuba portion to be applied
11 to Marysville. But he said he couldn't do that at that
12 time because of the reformulation that's ongoing with Yuba
13 and he needed to see that completed reformulation to have
14 a clear definition that the areas where credits are being
15 requested have indeed -- are indeed part of a federal
16 project and therefore that credit is a viable credit.
17 Once that determination is made, he'd be glad to apply it
18 to Marysville.

19 He did recognize, however, the importance of
20 accelerating work on the Marysville project. And he
21 strongly suggested that there was another option that he
22 would consider for the Marysville project. And that was
23 the request that's before us. It was the consideration of
24 Section 103 deferrals of the non-federal contributions for
25 an extended period of time.

1 Now, that's not a standard practice. It's not
2 one of the standard options. And our pre-construction --
3 or our partnering agreements are the legal agreement that
4 would enable us to facilitate construction, that it lays
5 out the obligations of the parties, non-federal and the
6 Corps of Engineers, including the financial obligation.

7 But the Secretary sent the strong message that
8 that is an option that the locals ought to consider. So
9 the request before you that's been brought to you by Yuba
10 County Water Authority, and I know coordinated with and
11 endorsed by DWR, has been to seek the Secretary's final
12 approval for this option. And I want to stress, an
13 option.

14 Normally, the processing would be, when we're
15 ready to go to construction and we would put together that
16 partnership agreement, we would identify this as the
17 desires of the local interests. It would go to
18 Washington. It would go to the Secretary's office for
19 approval. But as was mentioned earlier, the current
20 Secretary likely has a very short career history in his
21 present position. So the objective is to seek his
22 approval, to get approval of his office of this option
23 while he's still there.

24 Once this option is an approved option, then we
25 can negotiate that with the non-federal sponsors. We can

1 put it into our final legal agreement to facilitate
2 construction. And it is much more likely that it can be
3 approved then at the agency level when that agreement is
4 sent forth.

5 So the action before you is to maintain the
6 viability of an option so that you can consider that
7 option further when we go to construction. It keeps that
8 alive and it keeps that alive when we believe that the
9 current incumbent of that position is of a mind to approve
10 the request.

11 With that, if you have any questions, I'd be glad
12 to try and answer them.

13 PRESIDENT CARTER: Are there any questions?

14 VICE-PRESIDENT HODGKINS: A minor question of
15 curiosity.

16 Do you know, could you use credit to pay
17 interest?

18 MR. PARKER: Now, that's going to be a policy
19 legal question. I could give you my personal opinion. My
20 personal opinion is yes, because that would be a
21 non-federal responsibility and that would be covered in
22 the legal option.

23 VICE-PRESIDENT HODGKINS: Very good. Thank you.

24 MR. PARKER: But that's a personal opinion.

25 PRESIDENT CARTER: Any other questions?

1 BOARD MEMBER RIE: Move to approve.

2 PRESIDENT CARTER: We have a motion to approve
3 the delegation of the authority to the General Manager to
4 send a letter to the Corps requesting that they consider
5 deferral of the non-federal contribution for the
6 construction of the Marysville ring levee under Section
7 103(k).

8 Is there a second?

9 VICE-PRESIDENT HODGKINS: Second.

10 PRESIDENT CARTER: Any further discussion?

11 Seeing none.

12 Mr. Punia, would you call the roll, please.

13 EXECUTIVE OFFICER PUNIA: Board Member Emma
14 Suarez?

15 BOARD MEMBER SUAREZ: Aye.

16 EXECUTIVE OFFICER PUNIA: Board Member Butch
17 Hodgkins?

18 VICE-PRESIDENT HODGKINS: Aye.

19 EXECUTIVE OFFICER PUNIA: Board Member Teri Rie?

20 BOARD MEMBER RIE: Aye.

21 EXECUTIVE OFFICER PUNIA: Board Member John
22 Brown?

23 BOARD MEMBER BROWN: Aye.

24 EXECUTIVE OFFICER PUNIA: Board Member Lady Bug?

25 SECRETARY DOHERTY: Aye.

1 EXECUTIVE OFFICER PUNIA: Board President Ben
2 Carter?

3 PRESIDENT CARTER: Aye.

4 Very good. Motion is approved unanimously.

5 MS. MULLIN: Thank you.

6 PRESIDENT CARTER: Thank you.

7 All right. Ladies and gentlemen, we'll move
8 towards the rear of the agenda to Item 14. This is an
9 informational briefing - Department of Water Resources
10 briefing on flood season preparations and the status of
11 the flood control projects in the Central Valley.

12 As you recall, this normally occurs in November.
13 We, at the request of staff, scheduled it for this month.
14 Hopefully, 2009 we'll be able to get back on schedule for
15 a November briefing.

16 And is Mr. Croyle going first?

17 EXECUTIVE OFFICER PUNIA: Gary Bardini.

18 PRESIDENT CARTER: Mr. Bardini.

19 Good afternoon. Welcome.

20 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI:

21 Well, good afternoon, President Carter and
22 members of the Central Valley Flood Protection Board. I'm
23 finally getting that down properly.

24 What I'd like to do today is, as on the agenda,
25 we would give you an overview of where we're at in

1 emergency preparedness statewide, with some specifics
2 related to the Central Valley.

3 Elissa Lynn will give an overview over
4 meteorology and what we're seeing this year in terms of
5 potential for flood risk. Bill Croyle from the Flood
6 Operations Center will give an overview of flood
7 readiness. And then Jeremy Arrich will give a discussion
8 related to the flood project integrity activities and
9 inspections. And then lastly, we'd have an update from
10 the Flood Maintenance Office on the readiness and where
11 we're at today on maintenance.

12 (Thereupon an overhead presentation was
13 Presented as follows.)

14 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI:

15 Before I do that, I'd like to discuss a little
16 bit where strategically the Department of Water Resources
17 is going with emergency preparedness and response and kind
18 of where we're going in the next five years.

19 --o0o--

20 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI: This
21 is a graphic that I think the Board has seen before this.
22 It's been presented by others in the Department, where we
23 talk about many of the efforts going on by the Department
24 of Water Resources and the FloodSAFE program initiatives.
25 Those that are structural that have come -- a lot of them

1 coming forth to the Board. And then nonstructural issues.

2 But the America Emergency Preparedness and
3 Response Program is essential managing the residual risk
4 of the system. Whenever those improvements are done, the
5 emergency activities that we're talking about today really
6 reside as -- as we move in time, there's always a residual
7 risk in which the Department is managing and to update.

8 There's a number of other activities we're doing
9 to manage residual risk. And some of those are doing some
10 hydrology updates and being able to provide assessments of
11 climate change. We're looking at some initiatives in the
12 Delta to improve our recovery time down there. And then,
13 lastly, looking at broader system reoperation
14 opportunities, those that are in res management, but also
15 those that might broadly support water management and
16 flood control over time.

17 So these are some of the adaptive things we do.

18 PRESIDENT CARTER: Is this what I've heard
19 referred to as the stair-step?

20 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI:

21 This is the stair-step.

22 PRESIDENT CARTER: Yeah, okay.

23 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI:

24 Kind of reshuffled a little bit, trying to point
25 that the emergency operation side is really the residual

1 risk side of, what we call, the nonstructural part of
2 flood control. So many of the structural things are some
3 of the discussions that are routinely brought up to the
4 Board. And there's a number of nonstructural efforts
5 including mapping activities or land use, et cetera. But
6 essentially the flood operations really is on the residual
7 side. So this is kind of a stair-step reshuffled a little
8 bit.

9 --o0o--

10 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI:

11 To kind of give you an idea of how that residual
12 risk, or what we call, the flood response operational
13 phases, just to kind of give an orientation to the
14 Board -- because essentially we kind of look at it in
15 three major phases. There's those activities that are
16 flood preparedness and planning. In fact, this meeting is
17 an example of the planning efforts that are going on in
18 the Department. And those include what's the inspections
19 for the flood control system assessments, in particularly
20 the central valley, but elsewhere in the state where
21 vulnerabilities exist, including like burn areas in
22 southern California.

23 So a lot of activities going on in planning the
24 preparation in event of high-water events or
25 high-precipitation events.

1 And then we move through training exercises. A
2 number of these have been done, and Bill will discuss
3 those further. And then how -- our data management
4 realtime systems. So these are a lot of preparedness
5 activities that the Department does.

6 During a high-water event then, we move through
7 utilizing our realtime systems, including forecast and
8 meteorology. And then we deal with the runoff
9 forecasting, coordinate reservoir operations, river
10 forecasting, flood information notifications, flood watch
11 or patrols, and then flood fights. So these are the kind
12 of steps that we move through in operations during a flood
13 response.

14 And then at the end, we go through a recovery
15 period after actual reports, evaluations, do mitigations,
16 and then we go back through the cycle again. So this is
17 just an overview of just how we manage residual risk
18 statewide and how we do it here, also in the central
19 valley, and kind of the roles in which the hydrology of
20 Flood Operations Office performs.

21 --o0o--

22 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI:

23 The last slide I'd like to just leave you with is
24 that we are looking at a significant effort to improve
25 that. There has been a considerable amount of improvement

1 to our budget over the last few years in doing this
2 function that I just described.

3 And we're also looking at some one-time
4 investments through the Prop 1E and Prop 84, predominantly
5 from Prop 84, to make some additional one-time investments
6 to help that management residual risk under the, what we
7 call, the FloodSAFE. It's the flood ER segment of the
8 work. And in there, we've kind of organized the work
9 under essentially six major initiatives.

10 One is the realtime flood condition status and
11 warning. The second being climate data collection and
12 precipitation runoff forecasting, improvements to res
13 operations and river forecasting. And then lastly the
14 flood operations and emergency response. These are the
15 four keys towards our Corps operational.

16 There's two other related ones I discussed a
17 little bit, is the Delta Flood Preparedness and Response
18 Recovery Project. There's a significant effort to put
19 additional pre-deployed materials and facilities in that
20 area. And then lastly some ongoing effort to deal with
21 the hydrology update, climate change and sister operation.

22 So just some ideas of the key initiatives that
23 you'll be getting updates as we move through over the next
24 few years, improvements in these key areas. And they will
25 be reflected in future updates to the Board generally

1 through the Division report and then also in meetings like
2 this where we specifically discuss these items.

3 So I just wanted to kind of give you an idea
4 where we're moving as a whole over the next five years or
5 so.

6 So with that, I'd like to go ahead and turn it
7 over to Elissa Lynn and kind of give you an idea what's
8 the outlook for this year.

9 PRESIDENT CARTER: Mr. Bardini, could you send
10 copies of those -- you've got some excellent slides
11 there -- to Mr. Punia?

12 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI:

13 Sure. We'd be happy to do that.

14 PRESIDENT CARTER: And distribute that to the
15 Board.

16 Thank you.

17 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI:

18 You're welcome.

19 DWR SENIOR METEOROLOGIST LYNN: Good afternoon.
20 Elissa Lynn, Senior Meteorologist, Department of Water
21 Resources, here to give you a little bit of a weather
22 update.

23 And as if the economic head winds weren't bad
24 enough, now an incoming storm may slow Santa's arrival
25 into northern California. So before I get to the current

1 forecast for the next couple days, I'll give you a bit on
2 the overall conditions where we are with our reservoirs
3 and then what we see for this season. But I always say
4 I'm qualified to be wrong. It's a weather forecast.

5 --o0o--

6 DWR SENIOR METEOROLOGIST LYNN: This is where we
7 ended last season, precipitation about 70 percent of
8 average. This, again, would be last year's, the water
9 year that just ended. We started a new one October 1st.

10 Reservoir storage ended at 73 percent. We've
11 fallen slightly since then. And our runoff for this past
12 season was 57 percent of average. And if you have to go
13 by one number, rather than precipitation or snowpack, it's
14 the runoff that would sort of be the one number to focus
15 on. That followed the year previously when it ended at 53
16 percent of average.

17 --o0o--

18 DWR SENIOR METEOROLOGIST LYNN: Now, we're into a
19 new water season. So these are updates as of today.

20 The northern Sierra is an index that DWR is
21 generally responsible for forecasting for and tracking the
22 gauges. These would be places that are the inflows to the
23 major upstate reservoirs, including Shasta, Oroville, and
24 Feather. So it subtracts the precipitation in those
25 areas. Seventy-one percent of average so far this season.

1 The other gauges that you'll hear about for an
2 individual community, San Francisco, Sacramento, whatnot,
3 those are National Weather Service gauges. But we're
4 primarily in the business of forecasting in the high
5 country.

6 The southern Sierra is a new precipitation index
7 that we've just put out this year to track for the central
8 southern Sierra.

9 And those locations new this year for this type
10 of gauging are Calaveras, Big Trees, Huntington, Hetch
11 Hetchy, the North Fork Ranger Station and Yosemite. So
12 those five will combine to give us the Sierra -- a
13 southern Sierra precipitation index. Those guide stations
14 actually also have about a 100-year record, so that will
15 give us some nice climatology to compare. And that area
16 is approximately as 72 percent of the average so far this
17 season.

18 So so far, we started a new water year and we're
19 tracking about the same as the last two, around 70 percent
20 of average, which isn't great.

21 Reservoir storage right now, approximately
22 statewide, the average is about 69 percent of average.

23 Now, the last couple of days we have had some
24 good storms come through. The year, at first there was
25 fears that it would be dry. Then we were hopeful that it

1 would be a good season. And then December started out
2 with two dry weeks. But the last week or so, it's been
3 very productive. In weather terms that means wet,
4 southern California especially. Monday and Tuesday about
5 two to four inches in the San Bernardino Mountains,
6 Riverside County, portions of east of San Diego and up
7 through the Santa Anas. Thursday, another storm system
8 passed. They had another two to three inches.

9 As you know, there are plenty of burn areas
10 across the state from last year and that totals about 1.8
11 million acres statewide. We're watching those burn areas.
12 In spite of reaching the criteria thresholds for flash
13 floods many times, those areas are holding up pretty well.
14 We've had surprisingly few mudslides and major landslides
15 or problems in those burn areas. So that's actually some
16 good news.

17 Not sure if the ground's just absorbing it really
18 well or if we're just having a bit of luck, but that's
19 certainly terrific.

20 --o0o--

21 DWR SENIOR METEOROLOGIST LYNN: Now, as for the
22 northern Sierra, those stations that we track for the
23 reservoirs, October was about normal. It's not one of
24 your bigger months, but it's about average, 103 percent.
25 November, 86 percent of the average. And December so far,

1 in spite of the storms that have come, that area has only
2 seen 18 percent of a normal December for the season. Then
3 we come up to about the 71 percent of average.

4 --o0o--

5 DWR SENIOR METEOROLOGIST LYNN: And our first
6 water supply index has been put out. We did the first one
7 on December the 1st. The Sacramento River runoff
8 projections for this season is to end dry and the San
9 Joaquin critical. Dry is the second to lowest and
10 critical is the lowest of the five classification indices
11 that are put out for these river regions. Last year we
12 ended critical-critical for the Sacramento-San Joaquin and
13 the year prior, dry-critical. So many of you know that we
14 are in a drought. The Governor declared a state of
15 drought on the California statewide drought conditions in
16 June of this past year.

17 --o0o--

18 DWR SENIOR METEOROLOGIST LYNN: We have a new
19 drought page that you may be interested in, and it may not
20 have come to your attention yet.

21 I've also brought a couple copies of this. I
22 don't -- there's some at the front and I have a few here.

23 This is a new image that will hopefully help
24 project to the public and the media and anyone with
25 interest in some of our major reservoirs, showing the

1 relative size of the reservoirs as well as where they
2 stand now. So it shows percentages of both capacity and
3 average. And that's on our new drought site,
4 water.ca.gov/drought. In addition to that reservoir
5 graphic, there's information on the drought water bank,
6 drought preparedness, and the economic impacts so far of
7 the drought.

8 Of course, even during a drought, you can see
9 floods at the same time. So we can be in the unenviable
10 position of explaining to the public how we can have a
11 drought and a flood simultaneously. But our two-year
12 statewide precipitation for the state is quite low. There
13 are some places in the high country that are down as much
14 as 20 to 25 inches of precipitation over the last two
15 seasons.

16 --o0o--

17 DWR SENIOR METEOROLOGIST LYNN: Now, this past --
18 the year that we just went through, the last season, last
19 winter was a La Nina year. That's cooler than normal
20 ocean conditions over the central Pacific. The opposite
21 is El Nino, which most folks have heard about. It's
22 gotten a little more attention. They're two sides of the
23 same coin. They talk about ocean conditions. El Nino's a
24 very warm temperature pattern across the tropical oceans.
25 This past winter we had the La Nina, which was cool.

1 Well, right now we're not really in either, so we call
2 that La Nada.

3 --o0o--

4 DWR SENIOR METEOROLOGIST LYNN: ENSO-neutral is
5 the more technical term. But two-thirds of the years are
6 actually neither one, not El Nino nor a La Nina. So we're
7 in that sort of netherland where we don't see either. And
8 without a strong signal from the El Nino or the La Nina,
9 you don't have a very good idea of what the forecast is
10 going to be. There's not a lot of things to hang your hat
11 on for a seasonal outlook.

12 But our best and most optimistic hope, in terms
13 of relieving the drought, is that the winter lasts all
14 winter. Last year it stopped on March 1st. So the hope
15 is that this year -- we're not in either one of these.
16 Perhaps a little cool, almost like a La Nina. And maybe
17 we can get a season that extends all the way through the
18 spring.

19 --o0o--

20 DWR SENIOR METEOROLOGIST LYNN: What's likely to
21 happen this winter though, and may be setting up for next
22 week, including Christmas Eve and Christmas Day, is a type
23 of warm tropical storm pattern that can develop and
24 actually make it all the way to the West Coast. There are
25 storm patterns that start all the way across the Pacific

1 30 to 60 days in advance over the Indian Ocean. We can
2 see them on satellite, huge conductive storms, you know,
3 big ones that you can't miss on satellite.

4 In a very strong La Nina like we had last winter,
5 they can't make it all the way here. They just break down
6 before they get here. But right now the pattern that's in
7 shape over the oceans, it's very likely that several of
8 these systems will make it all the way to the West Coast.
9 And the position of those where they hit the West Coast,
10 you can only tell about three days out. So we will be on
11 fairly short notice for some of these systems as to where
12 they'll hit and strike with their most warm tropical
13 moisture.

14 Now, the major flood events associated with these
15 did occur in December 2003 in the Bay Area and February
16 2004 in southern California. What's setting up next week,
17 we'll see if it's that type of system. And I'll have more
18 on that in just a moment. It could be one of these warm
19 tropical storms. These are the ones with the very high
20 snow levels, maybe 8,000 feet, perhaps higher. Next
21 week's could be as high as 8,000 feet at the onset?

22 --o0o--

23 DWR SENIOR METEOROLOGIST LYNN: And this is the
24 pattern. Here's the green blobs to watch out for on
25 Doppler. This is a storm pattern. We'll have another

1 front for Sunday - so tomorrow's a nice day - one on
2 Sunday into Monday. It will affect the whole state. But
3 that's not the major one.

4 The one that we're looking at on our computer
5 models now would be either the 24th or 25th. The two
6 major models we look at for something this far in advance
7 are off by maybe 18 hours or so. And it could still fall
8 apart before it gets here. But it does look like for the
9 middle of next week we'll tap into some very tropical
10 moisture. It's not politically correct to call them
11 Pineapple Express storms anymore because they happen
12 worldwide. We call them atmospheric rivers. But there's
13 a possibility -- California is there on the -- right under
14 the big blue blob to the left. And we could see several
15 inches of rain.

16 The snow levels for that would be about 6,500
17 feet in the northern Sierra, and southern California
18 starting off at 8,000 feet and then falling. But a period
19 of wet weather is possible.

20 I guess the upshot there is, this may be good
21 news because we'd like to get out of the drought, but we
22 don't want to move into a flood.

23 Any weather questions?

24 Thank you.

25 PRESIDENT CARTER: Thank you, Ms. Lynn.

1 DWR FLOOD OPERATIONS BRANCH CHIEF CROYLE:

2 President Carter and members of the Board. My
3 name is Bill Croyle. I'm the Flood Operations Branch
4 Chief.

5 What I'm going to do now is take us through some
6 of the emergency preparation work that we've done
7 throughout this past year.

8 --o0o--

9 DWR FLOOD OPERATIONS BRANCH CHIEF CROYLE: I'm
10 sure I can drive the computer.

11 One of the things that we've spent an awful lot
12 of time is we've added a lot of new staff. We've added a
13 lot of new tasks, and we've tried to expand a number of
14 critical efforts within the branch to make sure that we're
15 communicating in an effective manner with our responding
16 partners.

17 What we've done is added almost twice as many
18 preseason meetings throughout the state. We've done a
19 little bit more kind of pre-work, pre-meetings with some
20 of those locations to make sure we got the right people,
21 the right agencies, the right topics. And one of the --
22 kind of my mantras in these meetings is these are set up
23 to not only provide the Department's view in getting ready
24 for the oncoming flood season, but also hear from locals
25 on what are they doing, what are their needs, and what are

1 their capacities?

2 As you can see on this slide, we've been all over
3 the state. We've had a wide variety of and types of
4 dialogues. Some have been very few and very focused
5 discussions, and some have been very open and kind of more
6 general. In general, you get a lot of positive feedback
7 about the interaction that we're getting. There's a lot
8 of new topics. We've got a lot more things to do as we
9 interact with the various communities throughout the
10 state.

11 Another key step that the Flood Operations Center
12 has taken is going out and personally meeting with our
13 Flood Operations staff and the local county OAs, the
14 operational managers within those counties that are really
15 kind of the frontline with the county levels that work
16 directly with the cities in the flood response.

17 And so those are usually a couple -- two or three
18 hours sitting down, getting names, phone numbers, making
19 sure we got the right lists, who we should call - they
20 know who we should call - how we interact with Office of
21 Emergency Services, who's priority, who gets called first,
22 who do we also want to make sure gets calls as a result of
23 the Flood Center receiving calls.

24 So I think that's beneficial. We've had about 12
25 of those meetings. And we have four more that we want to

1 do this season. Those last four have been delayed because
2 of, you know, existing flood threats or landslides or fire
3 recovery support activities. So those meetings are being
4 scheduled.

5 Another thing we've done is taken a number of our
6 key staff throughout our branch and inject those staff and
7 making presentations, like the one you just heard from
8 Elissa, with Elissa and with some of my other branch staff
9 and myself into the California OES's Mutual Aid Agreement
10 Advisory Committee meetings. And so that's where OES gets
11 together with their local county partners, talks about
12 some of their policy issues, funding, some of the
13 challenges that they face, not just with flood but with
14 general emergency response.

15 And what we've been able to do is kind of add
16 those to our preseason meeting lists, make sure that we're
17 doing our preseason presentations, making sure they have
18 our flood directories, our emergency cards, and they know
19 how to get ahold of us, and we also know who to call when
20 we have a concern or we need additional information.

21 Those are happening every quarter throughout the
22 state and the five regions that OES manages, both in
23 northern and southern California and the coastal area.

24 We've also been working, of course, with the
25 Sacramento Corps District very closely. We've invited

1 those key emergency managers right into our internal
2 tabletop exercises. We hold briefings with them on some
3 of the things that Gary talked about as we look at our
4 five-year plan and are implementing plans to move that
5 mission forward. But we've also met yesterday with the
6 South Pacific Division emergency managers, which was a
7 great opportunity for us, because they had all of their
8 emergency managers from throughout the West Coast in one
9 location in San Francisco yesterday. So that was
10 interesting.

11 We went down for an hour discussion to have our
12 "here's where we're at" conversation. And it ended up
13 being two and a half hours of pretty active dialogue and
14 very positive discussion about some of the things that
15 you'll hear a little bit more about in just a few minutes,
16 but also where we're at and where we want to go in the
17 next two or three years.

18 --o0o--

19 DWR FLOOD OPERATIONS BRANCH CHIEF CROYLE: Some
20 of the things that we've been doing over this last year --
21 we've been really busy. It's kind of the mantra in the
22 branch right now is like, well, when are we going to get
23 some downtime before we get into wet weather? Because we
24 have been busy. We, too, kind of view this as we're
25 pretty much going into operational phase throughout the

1 year. And that's primarily due to fire recovery --
2 assessments and supporting and being aware of what those
3 mudslide threats might be, as well as getting prepped up
4 for wet weather.

5 As far as that effort, we're again trying to
6 improve the way we communicate with our responding
7 agencies in the public. That's primarily through our web
8 pages. So our decision support staff have been very busy
9 supporting not only the Flood Operations Branch and how we
10 communicate, but also the Division and also the
11 Department. So they've been very busy updating all the
12 web pages, making sure that it's consistent, that we're
13 sharing information, people have access to that
14 information.

15 We've completed our migration over to meet the
16 Governor's requirements as well as the Department's
17 desires. As part of that process, our IT support group
18 is, you know, continuing to upgrade our flood center, make
19 sure our computers work, the copiers are on, we know how
20 to communicate, add in more cameras for webcasting; and
21 making sure some of the basic tools are there, we have all
22 the patches for our software upgraded, that we have new
23 databases that we're putting in place and we know how to
24 use them.

25 One of the critical things that we've added over

1 the last couple years is a webcasting tool that allows us
2 to move weather in hydrology data back out onto the web,
3 so our responding agency and partners can get access to
4 information they might not normally get to.

5 This has been a critical process this past year.
6 We were able to buy our own equipment so we can better
7 manage that tool. And our view is we can webcast at any
8 time. So if we get into a very active period, we're not
9 limited on a number of days or a contract, that it's
10 basically -- you know, we have our servers, we have our
11 access to the web and our cameras in place. We work
12 really closely with federal partners to refine how we
13 present that information.

14 We're continuing to reach out during our
15 preseason meetings to make sure people know how to get
16 access to those web pages, to archive views, and also so
17 we can track their usage. And also ask them -- you know,
18 if we want to make sure that this web product is
19 providing, tools are the information they need. And we
20 have got some good feedback and we've already made those
21 changes to make sure that information's flowing directly
22 to them and addressing the needs that they have with
23 regard to weather and hydrology.

24 --o0o--

25 DWR FLOOD OPERATIONS BRANCH CHIEF CROYLE: Just

1 as a reminder. You know, we're continuing to maintain our
2 1-800 recording calls for weather, water conditions and
3 also pretty active use of our Flood Center -- or Flood
4 Center Email address, where again a lot of local agencies
5 are communicating directly with the Flood Center by Email.
6 And some of that's a lot of, you know, pre-event type
7 work. We're trading information, making sure we all know
8 what to expect.

9 We've spent a lot of time this past year adding
10 new equipment and expanding our IC teams, our Instant
11 Command Teams. So we're pretty full. We have three
12 teams. We want to break one into a fourth team. We're
13 also adding specialized emergency flood responders, being
14 geotech, flood fight specialists and other special types
15 of people that can go out and address not only the
16 Department's needs, but support local agencies and the
17 Army Corps.

18 We've activated our trailers, you know, for
19 supporting our State Water Project, as a good way to warm
20 the equipment up, make sure it all works. It has
21 participated -- all three trailers were activated during
22 the Golden Guardian exercise about a month ago. That,
23 again, was good for not only us, the Department, but for
24 other agencies to better communicate with us during a
25 major event. Along goes with that is how we look at how

1 we're communicating via cell phone, land lines, satellite,
2 Internet, and radios.

3 So the Delta is an area that's kind of cell phone
4 challenged. And we continue to look at how we can address
5 that issue by radios and coordinating with the local
6 government on their radio communication structure as well.

7 Now, we recently had a Delta tabletop, which was
8 internal, but we reached out to the five counties within
9 the Delta as well as Army Corps and Cal OES and invited
10 them in to review our process. And we're looking at one
11 of our interim Delta emergency operations plans on how we
12 internally would use that document to make decisions on
13 flood threats within the Delta.

14 We got some pretty good feedback from that. They
15 became wanting to get engaged in it. And so it was pretty
16 good, because we've already learned some things from the
17 other agencies even though it was kind of an internal
18 process.

19 One of the critical things that the Department's
20 been doing for many, many, many years is our flood fight
21 training classes. Rick Burnett's been a key person that
22 travels all over the state, provides hundreds of classes
23 over the years. This year's no different. Again, that's
24 a classroom, half a day of classroom, half day in the
25 field throwing sand, throwing sandbags, building

1 engineered structures to -- whether it's a boiler or a
2 wall. And so we continue to do those. We expand the
3 scope of those. We have fire districts. The Red Cross
4 has been involved. Of course, our key partners being the
5 CCC and Cal Fire.

6 These, again, are occurring all over the state.
7 Rick just got back from the Ventura-Santa Barbara area
8 right when they were starting to get this wet weather this
9 past week. So we were able to complete those classes and
10 send our flood fight specialists right over to an area of
11 concern in Yorba Linda.

12 That's what it's all about, is making sure the
13 locals know how to use their equipment that we potentially
14 can provide to them. We have moved our equipment around
15 to address some of the flood fight concerns related to mud
16 and debris flow this year. So we want to make sure the
17 people that we're potentially going to hand material off
18 to know how to use it. And so it's been a critical effort
19 for us this year.

20 Last year, we had about a thousand people trained
21 up. This year, right now we have about 650, with another
22 350 people to go.

23 We get questions a few times about, "Well, why
24 are you doing flood fight training in February and March?"
25 Because it's kind of walking out of the flood season. But

1 that's when we have the locals' attention. They want to
2 be trained and we want to train them. And during when
3 it's hot and, you know, the others want to fight fires or
4 they want to plant crops and things like that. So we have
5 their attention, we have the time. And so it kind of goes
6 throughout the wet season.

7 And we'll continue to expand the scope of that
8 training as we move along the next couple years.

9 --o0o--

10 DWR FLOOD OPERATIONS BRANCH CHIEF CROYLE: Real
11 quickly, I want to talk about a couple key projects that
12 we're working on. One of which is the Department's
13 recognizing there are different kinds of flood threats.
14 Here we've identified four: The alluvial fan, high banked
15 rivers or headwater regions, the coastal estuary type or
16 deep floodplain. We look at how we might flood -- or
17 respond to flood hazards in different ways given those
18 four different types of hazards. So what we've done is
19 develop three pilot projects. They're going to reach out
20 with specific cities and work on developing, you know, a
21 more effective response to those kinds of flood threats.

22 --o0o--

23 DWR FLOOD OPERATIONS BRANCH CHIEF CROYLE: Real
24 quick. Our kind of end game on that is we want to work
25 with these cities to come up with a comprehensive flood

1 preparedness: So get ready for floods, how to respond to
2 floods, and how to recover from a flood again at the local
3 level. We want to be engaged in that process, because if
4 we know that they're ready, they know what we expect, we
5 know how to better integrate into assisting them in their
6 time of need. But we also know, you know, where they're
7 at with regard to their capacities and what their needs
8 might be.

9 To get there, we're going to -- we are starting a
10 process to develop our model safety plan under 156; which
11 the safety plans will flow into our three pilot cities,
12 being Arcata, Marysville and San Bernardino. And we kind
13 of see the San Joaquin -- Sacramento-San Joaquin-Delta
14 region as a kind of an estuarian environment. But we're
15 taking a regional approach because of the five counties
16 and the local interests in the Delta to address their
17 flood concerns.

18 In the end, this process, we want to take what we
19 learn in these pilot projects and do a statewide
20 assessment on the capacity and the needs of local
21 government to respond to flood threats, again given the
22 four different flood threats that we've identified.

23 --o0o--

24 DWR FLOOD OPERATIONS BRANCH CHIEF CROYLE: Next
25 I'm going to talk a little bit about our Delta Risk

1 Reduction Project. This is a major project for the Flood
2 Operations Branch. We almost have -- I don't know how
3 many of Gary's staff and many other divisions within the
4 Department are working on this project in various
5 capacities, but this is a really big deal for us.

6 We have an interim Delta Emergency Operations
7 Plan. We're taking that document, vetting that through
8 our Department emergency procedures, updating that;
9 reaching out to the local responding agencies, getting
10 their input on how the Department's going to respond to a
11 Delta emergency. And we're going to take that document
12 and then reach out and coordinate with those responding
13 agencies with their work. And then we'll have, what we
14 call, the Multi-Agency Integrated Flood Responses Plan for
15 the Delta.

16 It's going to be a two-to-three year project.
17 It's got a lot of energy. It's got some money behind it.
18 So it's been pretty positive. There's some questions as
19 this project starts up. But I think everybody realizes
20 this is about protecting lives and property in the Delta.
21 So I think everybody's kind of moving forward in that
22 fashion.

23 There has been some early implementation work
24 that's already been done. We have stockpile sites in the
25 Delta. I'll talk a little bit about that in the next

1 slide.

2 We've purchased material. We're working on more
3 facilities to expand, not only the Department's ability to
4 respond to floods, but the other federal, state and local
5 agencies.

6 A key component of this will be our Delta -- what
7 we call, the Delta Working Group, where we're reaching out
8 to the five Delta counties. There are operational
9 managers, there are emergency responders, integrative and
10 directly into this process. We have engineers
11 representing the rec districts, as well as the Army Corps
12 of Engineers and Cal OES.

13 And with our last meeting we decided we needed to
14 add a FEMA representative so that whatever we do --
15 however we organize, we want to make sure whatever we do,
16 we can make the best of trying to go after FEMA
17 reimbursable resources.

18 I've talked already a little bit about this
19 Multi-Agency Integrated Emergency Plan. In the end,
20 that's the most important part of the document that we
21 want to produce. Again, that's how all of the agencies
22 that might respond to a flood in the Delta would operate
23 and work together.

24 A key component to all this work is coordination
25 and outreach. I can't say that enough. It's a huge

1 effort on everyone's part, not just the Department. It's
2 local agencies -- there's a lot of people, a lot of
3 agencies that are resource challenged right now. And
4 trying to get those people at the table all the time to
5 continue talking and working through their concerns is
6 difficult. But it's very, very important.

7 --o0o--

8 DWR FLOOD OPERATIONS BRANCH CHIEF CROYLE: And
9 real quick. This graphic represents kind of where we were
10 at in the Delta with regard to our transfer and stockpile
11 sites. We do have rock at the Rio Vista site into
12 Stockton. We have two stockpile sites in Stockton and a
13 conveyor so that we can move rock from those stockpile
14 sites directly to barges.

15 The Hood facility was a planned facility. We're
16 still working through that. We don't plan to stockpile
17 rock there. We do look at that facility as a potential
18 transfer facility, in other words a conveyor directly to
19 barges, and use that just as a access point to the
20 northern Delta for emergency response.

21 --o0o--

22 DWR FLOOD OPERATIONS BRANCH CHIEF CROYLE: Here's
23 a slide of the rock pile that we do have in Rio Vista. It
24 represents about, you know, 113,000 tons of rock. We have
25 about 120,000 tons of rock in the Stockton area.

1 --o0o--

2 DWR FLOOD OPERATIONS BRANCH CHIEF CROYLE: With
3 that, here's our normal contact phone numbers and Emails,
4 address, and our webcasting weather briefing access. The
5 webcast is kind of agency specific, so we do want to make
6 sure that we're reaching out to the responding agencies or
7 those agencies that support the response agencies. So we
8 kind of have it not a public website. And so we work
9 pretty closely making sure people have access. And if
10 they have any problems, we have our Flood Center IT staff
11 supporting that effort to make sure that those that want
12 to see that information have access to it.

13 With that, I'd be happy to answer any questions
14 you might have. Or I'll turn it over to Jeremy.

15 PRESIDENT CARTER: Are there any questions for
16 Mr. Croyle?

17 I don't believe the Board has any -- or the Board
18 members have access to any of those sites. Is it possible
19 to grant access to the Board members? And what does that
20 involve?

21 DWR FLOOD OPERATIONS BRANCH CHIEF CROYLE: We can
22 coordinate with Jay and work through the coordination.

23 EXECUTIVE OFFICER PUNIA: I think we will work
24 and provide access. The weather briefing at 10 a.m. is a
25 pretty good -- if the Board members are interested, they

1 can tap into this webcast briefing.

2 PRESIDENT CARTER: Very good.

3 DWR FLOOD OPERATIONS BRANCH CHIEF CROYLE: Yeah,
4 there are also -- this reminded me -- there are archives
5 of weather briefings and hydrology. So you can actually
6 go back, whether it's one day or last week or last month.
7 So those are available through the website. So we can get
8 you access to the website.

9 PRESIDENT CARTER: Okay. Thank you very much.

10 --o0o--

11 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH
12 CHIEF ARRICH: President Carter and members of the Board,
13 my name is Jeremy Arrich. I'm the Chief of the Flood
14 Project Integrity and Inspection Branch, part of the
15 Hydrology and Flood Operations Office.

16 And I'm going to try to give you a fairly quick
17 briefing, hopefully to tie in how my branch fits in with
18 the overall flood preparedness, and update you on some of
19 our activities.

20 So, the way I look at it, we feed the Flood
21 Center. And I laughed after Bill looked at my
22 presentation, because then he informed me that the Carter
23 family had presented a cake to the Flood Center. So Bill
24 was filling me in on this. And I had -- but I'd already
25 created the slide. So I just thought it was kind of a

1 coincidence that they're always hungry and we're trying to
2 provide it to them.

3 PRESIDENT CARTER: We all feed the Flood Center.

4 (Laughter.)

5 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

6 CHIEF ARRICH: Exactly.

7 So Bill can never get mad at me, because I'm
8 always trying to help him out.

9 Gary presented one of the figures where he talked
10 about the different program elements under the Flood
11 Emergency Response Program. The one that primarily is
12 focused on my branch is the realtime flood condition
13 status and warning. There are some things that I left out
14 here that are covered in some of the other branches. But
15 the pieces that I'd like to cover today include inspection
16 activities, system design documentation, data collection
17 efforts and data management.

18 The LMA reporting -- which, if you don't mind, at
19 the end of my presentation, I'm going to give you a little
20 bit more information on the LMA reporting program. I
21 think George Qualley may have mentioned that to you this
22 morning. And I have a few extra slides to give you kind
23 of a briefing of what to expect with regard to that
24 Assembly Bill 156 requirement.

25 And then ultimately, we will conduct system

1 assessments.

2 --o0o--

3 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

4 CHIEF ARRICH: On the inspections, as you know from
5 previous briefings, we've really improved our inspection
6 program over the last three years. We have a much more
7 robust program now than in the past. We're using
8 consistent inspection criteria, consistent with the Corps
9 of Engineers, with the exception of our interim vegetation
10 criteria that I've presented before. Which, as a
11 reminder, it's just thinning and trimming of trees and
12 vegetation so that we can see the levees and access them
13 for flood fights.

14 We have supplemental inspections that our
15 engineers participate in in addition to the inspectors,
16 and that's erosion surveys that we do on the San Joaquin
17 system and then we coordinate with the Sac Bank erosion
18 surveys that are done by Ayers and the Corps.

19 We have a new program for utility crossings, such
20 as pipelines that are crossing through or under levees.
21 So we're starting to inventory those throughout the
22 system, because penetrations are one of the biggest
23 problems if there are unknown -- if there's 50 old pipes
24 that are corroding away or rusted out or that somebody
25 just doesn't know about, it could be a source for water to

1 leak through.

2 And then animal burrows similarly are of big
3 concerns. And we're trying to get a better sense on how
4 animal burrows are being addressed, whether they're just
5 being dragged over with a couple inches of dirt or are
6 they actually being grouted or excavated and backfilled.

7 We've developed a new inspections database that
8 is very robust. And we're going to be moving it into a
9 GIS-based system. But it is -- we're almost there in
10 terms of we do collect it based on GPS coordinates and we
11 document every deficiency that we see. And we can
12 generate information for the inspection reports, you know,
13 after the inspection cycles are complete. So this follows
14 the second time we've implemented the new database. It's
15 an access-based database that's compatible with the Oracle
16 System. And that's been a huge improvement and has helped
17 us with our consistency in our documenting and reporting
18 of the inspections.

19 Then, as I mentioned last year also, the new
20 rating methodology that we used last year, we're going to
21 be implementing this year. So we'll have a good
22 comparison this time around once we get our inspection
23 results completed.

24 Lastly, the increased communication and
25 involvement of the local maintaining agencies in the past

1 couple years has been quite an improvement. We send
2 letters out to inform the LMAs of new things that are
3 going on in the inspection program, hold meetings with
4 them if necessary. And we have -- between the
5 self-inspections and the AB 156 reporting requirements,
6 they're supposed to report information back to us. So
7 we've tried to improve that relationship with us and the
8 districts and share information back with them so that
9 everybody's more in tune to what's going on with the
10 current policies.

11 --o0o--

12 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

13 CHIEF ARRICH: As far as the flood project conditions for
14 this year, I was just checking my Email because I was
15 hoping to get some last minute results in and they're not
16 quite ready yet. Maybe I'll come back at 6 p.m., and if
17 anybody's here, then I'll have something for you. But --
18 I'm just kidding.

19 (Laughter.)

20 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

21 CHIEF ARRICH: But overall the maintenance in the system
22 has improved. Primarily the most significant improvements
23 are probably on the vegetation side with regards to trying
24 to meet that interim criteria of trimming up trees and
25 thinning out some of the overgrown brush and woody

1 vegetation.

2 There's been significant progress in several
3 areas, areas like RD 150, Merced County, San Joaquin
4 County Flood Control District, Brannan-Andrus. They've
5 done a lot of improvements to clear up some vegetation.
6 There's others. I'm just listing a few.

7 But the LMAs of the districts are being
8 proactive. They want to maintain their PL 84 eligibility,
9 which is at stake. And so they're working hard to try to
10 meet the criteria. And, you know, they -- generally the
11 interim vegetation criteria is very reasonable. It makes
12 sense. And they're willing to work as hard as they can to
13 try to meet that. So that's the sense that we're getting
14 back from the districts in general.

15 There are some districts out there that are just
16 status quo, haven't made any improvements in the last few
17 years, and maybe it's because of resource -- you know,
18 lack of resources or funding. But that's just kind of a
19 general overview. We'll be able to break down more
20 inspection results for you very soon. And we'll have the
21 inspection report out in another month or so.

22 Encroachments -- as always, I can't present to
23 the Board without mentioning encroachments. They remain a
24 problem. What we do to deal with encroachments is we
25 mainly deal with the encroachments that come up every now

1 and then that are -- that threaten the integrity of the
2 levee. Either we get notified or the Board gets -- the
3 Board staff gets notified. And we work with the Board
4 staff to try to address things that we think are critical,
5 that are new, that we can address now and get them taken
6 care of before they become a problem, you know, over time.

7 BOARD MEMBER BROWN: Jeremy, what kind of
8 encroachments?

9 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

10 CHIEF ARRICH: Some examples might be out in the middle of
11 designated floodways if somebody is putting in fill
12 material or diverting, you know, part of a stream or a
13 creek or a channel.

14 BOARD MEMBER BROWN: Are you talking about trees
15 or that kind of encroachments or --

16 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

17 CHIEF ARRICH: Not necessarily trees. It could be on the
18 levee. For example, it could be on the landside. Someone
19 could be constructing a structure like a house or
20 something very close to the toe of the levee, if not on
21 the toe of the levee. So a variety of these things have
22 come up where we've worked with the Board staff to try to
23 get out there right away and resolve them. In some cases,
24 there's excavation pits that could threaten the integrity
25 of the levee by way of seepage, you know.

1 BOARD MEMBER BROWN: Are these just encroachments
2 that obviously are not permitted?

3 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

4 CHIEF ARRICH: Yes, correct, yeah.

5 BOARD MEMBER BROWN: And you have the --

6 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

7 CHIEF ARRICH: So they're unpermitted encroachments.

8 BOARD MEMBER BROWN: And you have quite a bit of
9 that going on?

10 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

11 CHIEF ARRICH: Well, I mean it happens. It seems to
12 happen on a regular basis. But I wouldn't say that it's
13 one a week or -- you know, it's just periodically
14 something pops up and -- you know, inspectors are out
15 there. And also sometimes, you know, other landowners or
16 citizens will report something that they think might be
17 suspicious, and we'll address it.

18 So I wouldn't say there's a ton of these going on
19 that we're aware of. But they're the ones that we're
20 actively addressing to try to actually get the Board to
21 enforce, you know, take action, write a letter. And when
22 we jump on them right away, you know, at least half the
23 time or more we get a response from the entity that --
24 either they didn't know what they were doing was wrong or
25 they're willing to try to work with us. Sometimes

1 property changes hands and the new property owner's
2 willing to work with us but, you know, the history's there
3 and --

4 BOARD MEMBER BROWN: What about things like the
5 trees and bushes and fences and so forth that's more of a
6 permanent encroachment?

7 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH
8 CHIEF ARRICH: Right. We're not actively addressing those
9 encroachments one by one right now. They need to be done
10 on a systematic basis. And, you know, it would be a huge
11 effort for the state to inventory all those encroachments.
12 We would look to the local maintaining agencies to assist
13 with that, to go out and look at their own levees and look
14 at what's permitted and what's not and do an assessment,
15 and then work through the Board on trying to clean things
16 up, similar to what San Joaquin County has been doing with
17 the Bear and Calaveras.

18 But I think the Corps of Engineers is going to be
19 after encroachments as soon as the vegetation issue cools
20 down a little bit. That's my suspicion.

21 Okay. So, like I said, the 2008 levee inspection
22 results will be out very soon and we'll be able to look at
23 the data in various ways now that we have the new database
24 in place. So I apologize for not having you anything
25 today.

1 --o0o--

2 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

3 CHIEF ARRICH: What we're going to try to do though is --
4 what we were going to do is compare the annual maintenance
5 ratings with 2007 maintenance ratings. And this will
6 really be the first year that we'll be able to do a true
7 comparison to the previous year because of the new
8 inspection program, the criteria we're using, the rating
9 methodology. That all pretty much came to a head last
10 fall. And we haven't changed anything since last fall in
11 terms of the way we're inspecting and how we're
12 documenting things.

13 So this will be the first kind of, you know, true
14 comparison. If we have, you know, less than the 64
15 districts that were unacceptable last year, you'll be able
16 to see the difference in the maintenance improvements,
17 hopefully.

18 --o0o--

19 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

20 CHIEF ARRICH: Another key component to the realtime flood
21 conditions is our flood system design documentation. This
22 is documenting how the flood system was designed based on
23 the O&M manuals and the as-constructed drawings. So we've
24 collected a lot of information and data on how the system
25 was designed. We've organized the data, consolidated it

1 to the point where we extracted useful information and
2 applied that into databases.

3 --o0o--

4 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

5 CHIEF ARRICH: So this is just kind of a graphic. If you
6 focus on the left, these are the typical design-type
7 documents: Operation and maintenance manuals, plate maps
8 that were, you know, typically hand drawn in the past,
9 with no geo referencing. Levee logs.

10 And then in the bottom left is just an inventory
11 of all the as-constructed drawings. We've had them all
12 scanned and inventoried. And they're working their way
13 into a database.

14 So from things like the O&M manuals and levee
15 logs, we extract data out of the O&M manuals, put it into
16 tables and spread sheets, which is in the middle column.
17 And then eventually it works its way into an actual
18 database. So we're pulling out the useful information out
19 of the operation and maintenance manual so that it's
20 searchable through a database. And this information is
21 readily -- you know, will be readily available. If we're
22 in an emergency situation and we need to focus on a
23 certain area or find out how it was designed or, you know,
24 who's the maintainer, we can access that information, you
25 know, very quickly.

1 --o0o--

2 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

3 CHIEF ARRICH: Another application of the data extraction
4 is, you know, GIS applications, where we can do overlays
5 like this over an aerial satellite image. We can match up
6 where the O&M manuals kind of correspond with certain
7 levee segments. So when you go into the GIS system, you
8 can actually pull up these plate maps and see that this
9 was the original plate map for a certain district with a
10 certain levee mile or a unit name and it's associated with
11 a real image of what the lay of the land looks like.

12 So there's a ton of GIS applications we can do.
13 Another one is just extracting the design channel
14 capacity. This is what the O&M manual says that the
15 various channels should be able to pass in terms of flow.

16 And then ultimately once we get through a mapping
17 study and whatnot, comparing these with the actual channel
18 capacities.

19 --o0o--

20 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

21 CHIEF ARRICH: So in some other flood system data
22 collection and assessments that we're doing, we're working
23 on documenting all historically past levee distresses, so
24 boils or seepage or erosion sites, things that were
25 documented from past flood events. Similarly, levee

1 improvements, anything that was done to fix those past
2 distresses or to make other levee improvements, we're
3 working on a database to collect all that information and
4 be able to overlay it like I showed you on some of the GIS
5 maps and the aerial imagery.

6 --o0o--

7 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

8 CHIEF ARRICH: Levee geotechnical information from the
9 Levee Evaluations Branch. As they collect information and
10 produce reports and make assessments, we'll be pulling
11 that data into our system. So that we basically have the
12 whole picture of the system in one database.

13 So if a given levee segment is under distress
14 because of high water, we can zoom into that on a GIS
15 system and basically have all the information right there
16 at their fingertips. That's what we're shooting for.
17 We're not there yet to where everything's been fully
18 integrated, but we're making the right strides.

19 And then future assessments are in the works. We
20 haven't started them yet. But we're going to be doing
21 other assessments other than just an annual inspection
22 rating, for example. We'll be doing other assessments to
23 look at the flood control system as a whole. So hopefully
24 in a few years we'll be able to come here and actually
25 say, you know, this is a -- it will be a different

1 perspective than what we're giving you now. It will be an
2 actual assessment, based on certain parameters that we're
3 looking at and certain rating systems to look at the
4 overall vulnerability of the flood control system.

5 --o0o--

6 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

7 CHIEF ARRICH: So to kind of wrap up what I've discussed
8 in terms of, you know, our flood season readiness. We're
9 integrating everything that we do on a daily basis with
10 the Flood Operations Branch, with Bill Croyle and his
11 staff. Our understanding of the flood control -- the
12 system's conditions based on inspections and our data
13 collection and all the information that we're collecting
14 and putting into databases and pulling it together, with
15 the design documentation as well; and, like I said, we're
16 developing tools to be able to access that information so
17 that it's ready for decision support during flood
18 emergencies.

19 And, lastly, my branch -- my entire branch pretty
20 much consists of, you know, the inspectors, which are all
21 trained flood fight specialists, and then several
22 engineers, some geotechnical engineers, some hydraulic
23 engineers. And we're always there and ready to help
24 respond. We have staff right there in the JOC that are,
25 you know, willing and able at any time to step up and

1 respond to get people on the ground when we need them.

2 --o0o--

3 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

4 CHIEF ARRICH: And we do provide the initial tack. So
5 we're -- you know, when we need an assessment of what's
6 going on before they call up an incident command team,
7 we're typically out there on the ground, you know,
8 providing information back to the Flood Center.

9 You want me to carry on with the Assembly Bill
10 156 briefing before I stop for questions on --

11 PRESIDENT CARTER: Let's give the Board an
12 opportunity.

13 Are there any questions regarding the
14 maintenance?

15 Ms. Suarez.

16 BOARD MEMBER SUAREZ: Thank you.

17 I have a quick question. And this relates
18 actually to all the other presentations.

19 How exactly is all this great information that
20 you're collecting getting integrated in the work that Mr.
21 Bradley's doing, putting together the State Plan that
22 controls --

23 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

24 CHIEF ARRICH: That's a good question. We're working
25 directly with Steve Bradley's shop. So the information

1 that we've always known we needed, they also need as well.
2 And so we're working directly with them. Everything that
3 we're collecting, they already had a copy of, because they
4 have a lot of, you know, deadlines coming up for the Board
5 I believe. And so what we've told them is we're going to
6 continue collecting information and improving it. So when
7 they're ready for the next rollout, we're working with
8 them to give them the next latest and greatest version of
9 whatever we have.

10 BOARD MEMBER SUAREZ: Okay.

11 PRESIDENT CARTER: Any other questions for Mr.
12 Arrich?

13 EXECUTIVE OFFICER PUNIA: Comment, not a
14 question.

15 I just want to let the Board know that Jeremy's
16 Branch has acquired a nice board. So in addition to the
17 inspections from the levee top, they will be doing the
18 waterside inspections. And we always felt that that was a
19 shortcoming in our inspections, that we were not able to
20 do the waterside inspection.

21 And I'm glad to see that Jeremy is sending his
22 staff on safety training. I see people in the parking lot
23 going through the safety training.

24 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

25 CHIEF ARRICH: Yeah, that's a good point, too. We've been

1 doing the waterside erosion surveys for the past two
2 years, but we had to borrow boats and find other
3 operators. So now we do have our own boat, and we'd like
4 to get it stored closer to Sacramento, if possible. Right
5 now it's up at the Sutter Yard.

6 But, yeah, thanks, Jay, for reminding me about
7 that.

8 PRESIDENT CARTER: Any other questions for Mr.
9 Arrich?

10 I have one. In the channel clearing summary that
11 you've given us, you have nearly 4,000 acres that you plan
12 to clear by the end of the year.

13 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

14 CHIEF ARRICH: I believe that's part of Noel's
15 presentation.

16 PRESIDENT CARTER: Is it? That Sac yard and
17 Sutter Yard?

18 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

19 CHIEF ARRICH: Yeah, that's part of the DWR maintenance
20 activities.

21 PRESIDENT CARTER: All right. I'll hold my
22 question on that.

23 Please proceed.

24 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

25 CHIEF ARRICH: Okay. Thank you.

1 On the Assembly Bill 156, it's a new
2 legislatively mandated reporting requirement. It has
3 different parts. But the part I'm talking about today is
4 the local agency reports.

5 --o0o--

6 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH
7 CHIEF ARRICH: So it's an addition to the Water Code.
8 It's not a change to the Water Code. It's a new addition
9 to the Water Code that was effective July 1st, 2008.

10 I've listed the sections here. But basically
11 there's three or so different definitions that define
12 who's responsible for the forwarding. It defines it as an
13 agency responsible for a project levee. And then it
14 defines a project levee and goes into other definitions.
15 So this is just information to get you through the Water
16 Code if you're looking for it.

17 --o0o--

18 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH
19 CHIEF ARRICH: So the local agency is responsible for the
20 maintenance of a project levee. A state/federal project
21 levee are the ones responsible for -- are required to
22 submit information.

23 And a project levee, the definition is any levee
24 that's part of the facilities of the State Plan of Flood
25 Control. So we know most of those. But in a lot of

1 cases, we're trying to define them through that process
2 with Steve Bradley and Company, because there are a lot of
3 discrepancies out there where there may not be
4 documentation of who's officially responsible for the
5 system or is it officially part of the State Plan of Flood
6 Control.

7 But for the most part, we have the list of the
8 agencies that we've always inspected and that we know --
9 we know who they are.

10 --o0o--

11 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

12 CHIEF ARRICH: And in addition to that, if a project levee
13 maintainer also maintains a non-project levee that
14 protects the same area, they're required to submit
15 information on that non-project portion as well.

16 In terms of the information required, I've
17 summarized this quite a bit from what's in the Water Code
18 and it's still kind of lengthy. But the information that
19 the local agencies know about affecting the condition or
20 the performance of their levees, they're supposed to
21 report to us. Any known conditions that might impair or
22 compromise the level of flood protection provided, those
23 first two definitions are a little -- they overlap quite a
24 bit and we've tried to provide them a little bit of
25 guidance in terms of what information we were looking for,

1 so that they could separate the two.

2 Summary of maintenance performed over the last
3 fiscal year. There's been a statement of work and the
4 estimated costs for operation and maintenance of the
5 upcoming fiscal year.

6 And then, finally, any other information that is
7 deemed relevant by either the Board or the Department as
8 to the conditions or performance of their levee. So if
9 there's something that we know about -- my phone might be
10 buzzing in the monitor. I apologize for that.

11 So those are the five parts in the Water Code
12 that's listed as five parts that are required for
13 submittal.

14 --o0o--

15 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH
16 CHIEF ARRICH: The reporting deadlines. The local agency
17 reports are due to the Department by September 30th of
18 each year, and then we kick out a report to the Board by
19 the end of the year. And that's done annually.

20 --o0o--

21 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH
22 CHIEF ARRICH: In terms of process, we started back in --
23 early in 2008. We developed a three-page fact sheet that
24 we mailed out to all the local agencies that described all
25 the requirements under the Assembly Bill and gave them

1 information on upcoming workshops.

2 We held public -- several public presentations.

3 We kind of piggybacked on the FloodSAFE road show when
4 they were discussing the strategic plan. And so we
5 presented throughout the state -- throughout the central
6 valley, north and south, along with the FloodSAFE
7 meetings.

8 There was a couple local agencies, San Joaquin
9 County and I believe -- oh, I forget the other one -- both
10 in the Stockton area -- that requested us to attend some
11 of their board meetings to give them information and
12 answer questions about the new requirement, because they
13 had started hearing about it and they saw the fact sheet,
14 so they asked us to come and present at their meetings.

15 --o0o--

16 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

17 CHIEF ARRICH: And then we have a scoping workshop with
18 the California Central Valley Flood Control Association to
19 try to solicit their feedback in terms of the process and
20 what we had planned for how we were going to collect the
21 information.

22 And then once we -- and I'm going to go along the
23 top first. We had this web application we were developing
24 so they could -- to submit information electronically.
25 Then we held local agency workshops. We held three

1 workshops to teach them how to use the application and get
2 their feedback on how to make it more useful. And then we
3 had a final notification letter describing -- you know,
4 reminding everybody of the requirement, you know, after
5 the fact sheet was sent out, reminding them that there is
6 this requirement. And if agencies hadn't yet submitted
7 the information, we reminded them that they were supposed
8 to have done so by September 30th, providing them a last
9 opportunity to get information in even if it was late.

10 So prior to that -- I guess I skipped -- in
11 August, we did an instructional mail-out. So we had
12 provided instructions on how to submit information
13 electronically. We also provided them with a three-part
14 folder -- or a six-part folder where they could actually
15 just submit hard-copy information in a nice folder and
16 mail it back to us. So we tried to accommodate -- you
17 know, make it as easy for them as possible.

18 The electronic reporting was developed through
19 our CDEC database system. We developed a summary
20 application to produce summary reports of the information.
21 We received a lot of information from some agencies and
22 very little from other agencies. And it was kind of
23 apples and oranges. And we wanted to be able to produce a
24 report for the Board and others to look at, that was a
25 little bit more consistent and a little bit more useful in

1 terms of if you're interested in a certain district and
2 you want to know information of the five parts they were
3 supposed to submit, that you could just flip to it and
4 have a consistent summary of what they reported.

5 So that's the summary report application, which
6 then in turn developed the individual summary reports,
7 which I'll show you a better -- a closer view of what the
8 summary reports are going to look like.

9 And then we've been drafting the text -- the
10 outline of the report and the text. And our final report
11 will be completed by the end of month.

12 --o0o--

13 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH
14 CHIEF ARRICH: In terms of reporting statistics, if you
15 focus on the left to start, 76 percent of the agencies --
16 out of 89 agencies, 76 percent of them submitted reports;
17 63 percent of those submitted them electronically; and
18 then 57 percent submitted them on time. So just kind of a
19 breakdown just to give you an idea of the level of
20 response and how they responded and if they did it by on
21 time.

22 On the right side we broke it out just to give a
23 different flavor. There's 110 areas. And the reason why
24 there's 110 areas, but only 89 agencies, is the Sacramento
25 and Sutter maintenance yards are considered two agencies

1 for our purposes, but they report on 22 different areas
2 because there's a lot of different maintenance areas. So
3 it kind of changes the statistics a little bit. So we had
4 81 percent of the areas were reported on. They happened
5 to submit their information hard copy, so it brought down
6 the electronic submittals percentage. And then I think
7 they were just after the deadline, so in terms of on-time
8 submittals, it brought that down a little bit too.

9 So this is the response we got. I look at it as
10 a positive response. Seventy-six percent of the agencies
11 is pretty good considering that they're not funded to do
12 this. And we've had, you know, problems in the past
13 getting information from the districts. I think our
14 communication and outreach was the reason that we got so
15 much success there in trying to facilitate and make it
16 easier for them to report.

17 The other thing we did was we offered to provide
18 the information to them that they can access their O&M
19 manuals, some more database information that's related to
20 their districts. So it's kind of a data exchange. We
21 look at it as a data exchange rather than just them
22 submitting information to us. We want to share everything
23 that we know about their districts with them. And through
24 our database development, we hope to eventually provide
25 more applications that they can access. They all have

1 user names, user accounts to this web application that, as
2 we add tabs to it, so to speak, they'll be able to access
3 more and more information. So they can request the
4 accounts, if they haven't done so already.

5 --o0o--

6 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

7 CHIEF ARRICH: The summary reports are going to look
8 something like this. It's still a little bit small. But
9 they're going to be two-page summary reports, one for each
10 district. It shows the original plate map and the
11 satellite imagery, the contact information that we tried
12 to update to make sure they're the right person that
13 should be contacted based on maintenance responsibilities.
14 If they have several units, it's listed here, the mileage
15 of their units. We eventually would like to incorporate
16 their most recent maintenance rating on this front page,
17 and other relevant information.

18 The second page describes the parts. I take that
19 back. There may be more than two pages, because the fifth
20 part looks like it got cut off here. But we took the
21 information they submitted, summarized it into the five
22 different questions that were asked of the Water Code.
23 And that information's provided here. So we can --
24 anybody that uses the report, for our purposes in flood
25 operations, we can grab that report, flip to the tab of a

1 certain district that may be in distress and we can, you
2 know, learn more information about, you know, what they've
3 been up to or what issues they think that they're having.

4 --o0o--

5 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

6 CHIEF ARRICH: Finally, on the report distribution, our
7 plan is to provide an electronic copy to Jay Punia by or
8 before the December 31st deadline. We're on track to do
9 that, so I don't have any issues with getting that in on
10 time. And then we'll have a hard copy -- we'll send it
11 off on hard copies as soon as we're done to get
12 reproduced. And we'll have hard copies for the Board
13 members and additional copies made by the -- sometime in
14 January, hopefully by mid-January.

15 And then we'll place the report on the Flood
16 Protection Board and the DWR websites. The Water Code
17 states that we have to put it on the Board's website, so I
18 listed both on there. And we also have to provide --
19 we're going to provide the location information of the
20 report to the local agencies - they'll get a copy of the
21 report, most likely - any city or county within their
22 jurisdiction, and any public library within the local
23 agency's jurisdiction. So these are required by the Water
24 Code.

25 --o0o--

1 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

2 CHIEF ARRICH: I believe that's it.

3 PRESIDENT CARTER: Any questions for Mr. Arrich?

4 Very good. Thank you very much, Jeremy.

5 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

6 CHIEF ARRICH: Thank you.

7 PRESIDENT CARTER: Oh, I'm sorry. Mr. Hodgkins.

8 VICE-PRESIDENT HODGKINS: Jeremy, in preparing
9 those reports, you get information from the local district
10 and then, as I recall, the legislation -- you're required,
11 or at least allowed, to add additional information.

12 Is the work we're doing geotechnically on the
13 urban levees considered part of what's provided in your
14 report?

15 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

16 CHIEF ARRICH: It is not. I suppose any information could
17 be deemed relevant to include in the reports. But we're
18 not -- we're currently not planning on incorporating the
19 work of some of the other programs at that level. What we
20 tried to do this year is focus it around maintenance. So
21 we have, you know, a couple of pages in the report where
22 we talk about other things that may influence or affect
23 the maintenance of the system, such as the vegetation and
24 the PL 84 eligibility issues. But we currently don't have
25 any plans for incorporating the results of, you know, the

1 levee evaluations in there.

2 But there's a lot of information that's being
3 developed by the FloodSAFE Program. And so it's -- you
4 know, it would be tough to put it all into one report.
5 But we're open to suggestions and feedback on how to do
6 that.

7 PRESIDENT CARTER: Thank you.

8 FLOOD PROJECT INTEGRITY AND INSPECTION BRANCH

9 CHIEF ARRICH: Okay.

10 --o0o--

11 MAINTENANCE SUPPORT BRANCH CHIEF LERNER: Good
12 afternoon, President Carter, General Manager Punia, and
13 members of the Board. My name is Noel Lerner. I'm the
14 Branch Chief for the Maintenance Support Branch. I'm also
15 Acting Chief of the Flood Maintenance Office. And I'm
16 here in that capacity, as Keith Swanson is either in or
17 about to enter some of the weather that Elissa spoke
18 about, as he returns from inspecting the beaches of
19 Thailand and the hydrology in Vietnam and Cambodia. And
20 I'm sure he'll be able to report to us on the weather
21 coming our way.

22 (Laughter.)

23 MAINTENANCE SUPPORT BRANCH CHIEF LERNER: I had
24 passed out some information that was given to the Director
25 of DWR at a briefing on the accomplishments. That's the

1 material that President Carter was referring to. And it
2 focuses on the accomplishments of the office, much of
3 which you've already heard either in informational
4 briefings or in monthly updates that the Director gives
5 you. So I'm not going to go into detail in that. And I
6 will discuss the acreage under channel maintenance.

7 --o0o--

8 MAINTENANCE SUPPORT BRANCH CHIEF LERNER: I'm
9 going talk about four areas, on channel clearing, levee
10 maintenance, what we've done for flood control facilities,
11 and what our yards have done. And this is really focusing
12 just on preparation for the flood season.

13 --o0o--

14 MAINTENANCE SUPPORT BRANCH CHIEF LERNER: You had
15 noticed on that accomplishments -- we had hoped at the
16 time of the briefing to get into, I think it was, about
17 3,800 acres for clearing. We didn't make that. There was
18 about 400 acres listed on the table in the back of that
19 material that said proposed by January 1. We weren't able
20 to get in there. We also changed -- we mowed some
21 additional acres that aren't on that table, so that
22 doesn't reflect what we achieved. We did achieve 3,560
23 acres on channels cleared. And about 50 acres represent
24 new areas in Cache Creek Settling Basin and in the Sutter
25 Bypass that we hadn't been to on a routine basis in the

1 past. And that's areas in the southern part of Cache
2 Creek Settling Basin, as well as the duck club that we've
3 talked to you about in the past in the Sutter Bypass.

4 In the East Borrow Canal in the Sutter Bypass, we
5 removed about 15 miles of snags along the East Borrow
6 Canal.

7 We've also cleared 11 miles of the 50 miles of
8 laterals that are associated with the seepage collection
9 system on the Sutter Bypass levee. That's an area --
10 those laterals we're trying to - and this is the second
11 year of our program - get into about 10 miles of laterals
12 every year and have a long-term program, where we get into
13 different sections and are able to keep the seepage
14 flowing. And they flow into the pump stations at Sutter
15 Bypass.

16 We also removed 100 cubic yards of sediment from
17 the Western Interceptor Canal. And we're going to be
18 focusing a little bit more attention on the confluence of
19 the Western Interceptor Canal and Bear River. There's
20 some channel clearing of vegetation that's grown up, that
21 next summer we're going to try and get into.

22 And, as I said, we're focusing on Cache Creek
23 Settling Basin. This is the second year of intensive
24 clearing there using the California Conservation Corps
25 hand crews. And little by little, we're making headway.

1 --o0o--

2 MAINTENANCE SUPPORT BRANCH CHIEF LERNER: And in
3 terms of levee maintenance, we had a special project. We
4 were able to resurface 53 miles of levee crown roads with
5 aggregate base. And that's been real important on the
6 Sutter Bypass. That is a road that is accessible to the
7 public and it gets a lot of use. And it was a washboard
8 that made travel difficult. We were able to address that
9 this year as well as other levees. And we're hoping this
10 summer to have another program.

11 We were requested by the Board to abandon a
12 drainage pipe in the MA-9 maintenance area. And with some
13 delays because of the delay in the budget, we were able to
14 complete that in October. And that's been done.

15 We completed with the Corps of Engineers the
16 slurry wall on the Wadsworth Canal where it enters the
17 Sutter Bypass.

18 We've expanded our rodent abatement program. For
19 the past few years, we've had a special trailer that
20 allows us to grout the rodent holes at the Sacramento
21 yard. Last year, they completed the trailer for the
22 Sutter Maintenance Yard and they've been using it, so we've
23 expanded that program.

24 And there was a question about encroachment
25 removals. As the Corps has -- focusing on encroachments

1 as an issue in inspection, we've stepped that up. And the
2 two areas, I think -- Sutter Yard, the most significant
3 encroachment issue is a number of the orchards tend to
4 pile their trees up against the levee. And we're working
5 more and more with the owners of those orchards to remove
6 those. In the list of accomplishments, it listed some
7 fences in the Yolo Bypass that were dilapidated, and we
8 removed those. Those are just a couple of the examples of
9 the encroachments.

10 We completed the repair of two erosion sites in
11 MA-12, plus a significant levee slip in Willow Slough.

12 And then finally the routine mowing, burning and
13 spraying on 293 miles of levees that we're responsible
14 for. And that allows us to see any seepage that may be
15 occurring. Or if there's flood fight that's required, it
16 allows us to do that more efficiently.

17 --o0o--

18 MAINTENANCE SUPPORT BRANCH CHIEF LERNER: In
19 terms of specific accomplishments in flood control
20 facility maintenance, we're glad to say it was completed a
21 year ahead of time. But the Garmire Weir Bridge has been
22 removed. And that's been a concern because of the log
23 deck that results there in heavy flows on the Sacramento
24 River. And that bridge is no longer there.

25 We also -- for awhile we've known that some of

1 the gates at the Butte Slough outfall structure had been
2 leaking. And we had a dive team go in there, inspect the
3 gate's structure, the conduits to make sure that they
4 hadn't -- there had been no corrosion. And we're glad to
5 say that the conduits are in good shape. We were able to
6 fix the gates that were leaking. We'll be coming back in
7 the future. We noticed some erosion around the wing walls
8 and the concrete structure. So we're working on plans to
9 fix that problem.

10 The next two issues are related. We completed a
11 new facility at the Sutter Yard. One that it gives us a
12 good location to have training, and we've taken advantage
13 of that.

14 The second is that historically communications to
15 the Sutter Yard has been a problem especially in the
16 winter. It was an ongoing problem with AT&T. And what
17 we're working out is we're going to have a satellite
18 link-up. And as part of the construction of the new
19 facility, we put in new wiring for the phone system, and
20 that's about 85 percent complete on the
21 communication -- the entire communication system. And
22 we're working with Verizon on the link-up.

23 And we're hoping to have uninterrupted
24 communications both with the servers at the Department and
25 the FOC during flood season. So we're excited about that.

1 --o0o--

2 MAINTENANCE SUPPORT BRANCH CHIEF LERNER: And,
3 finally, the maintenance yard. You know, I'm glad to say
4 that our Sacramento and Sutter maintenance yards are fully
5 staffed. And given the financial position that the state
6 finds itself, it's a good thing to be fully staffed at
7 this moment. We've also gotten a number of new equipment,
8 including the chippers that we're going to be using next
9 summer out in Sutter Bypass as we continue our work in the
10 duck club and other thickly vegetated areas.

11 We've restocked the warehouses in preparation for
12 flood season with sandbags and stakes and plastic. And
13 we've completed our training for our staff, which includes
14 Flood Operations Center response, flood fight methods,
15 personnel safety, levee patrol logistics, high-water
16 staking, event documentation.

17 And just in passing, Jeremy mentioned about the
18 database that he's collecting. And we've been integrating
19 the results of our inspections into that system as well.

20 So that's a snapshot of what we've done in
21 preparation for the flood season. If you have any
22 questions, I'd be glad to answer them.

23 SECRETARY DOHERTY: I have one. Under new
24 equipment, I see dump trucks, mowers, backhoes, dah, dah,
25 dah, but I don't see any chippers there.

1 MAINTENANCE SUPPORT BRANCH CHIEF LERNER:

2 They're there. It's not complete. I mean -- let
3 me take that back. We've purchased them. They're in the
4 yard. But -- or I should say they should be being
5 delivered because the requisitions were all signed. So we
6 are getting those.

7 SECRETARY DOHERTY: And the maintenance yard is
8 absolutely beautiful. Your crew did a good job on that.
9 I think it was the local people right within the crews
10 that did it, didn't they?

11 MAINTENANCE SUPPORT BRANCH CHIEF LERNER:

12 They did. And I don't want to let on how
13 beautiful it is, but it's very nice.

14 SECRETARY DOHERTY: Very serviceable.

15 MAINTENANCE SUPPORT BRANCH CHIEF LERNER:

16 Yeah, they did a good job. And it's very
17 functional. I mean, like we've talked about -- it may
18 sound little, but to have the facilities where our crews
19 can come together and meet at the beginning of the week
20 and coordinate their activities, they didn't have that
21 before. So that was -- it's a real big plus for them.

22 SECRETARY DOHERTY: It's very nice.

23 BOARD MEMBER BROWN: Just a matter of interest.
24 The dozer and the backhoes and such you purchased, were
25 they American made or are they imports?

1 MAINTENANCE SUPPORT BRANCH CHIEF LERNER: I can't
2 tell you. I know -- I'm pretty sure the state has "Made
3 in America" requirements. How much, I don't know. We go
4 through a rather rigorous acquisition procedure with
5 General Services to allow the equipment to be bid. And
6 there are times when there really is one piece of
7 equipment that we want to use because it fits in with the
8 powertrains that are on existing tractors. And, you know,
9 we have to have a process where we have more than one
10 bidder and it's -- General Services thinks it's more cost
11 effective that way.

12 BOARD MEMBER BROWN: We'll see.

13 PRESIDENT CARTER: Any other questions for Mr.
14 Lerner?

15 Mr. Lerner, with regard to the channel clearing
16 and maintenance and the 3,800 acres, do you -- is that,
17 the 3,800 acres, the total for the system or that's what
18 you did this year and you plan on doing a similar amount
19 next year?

20 MAINTENANCE SUPPORT BRANCH CHIEF LERNER:

21 That's the total we have achieved this year. And
22 I remember reading in the white paper years ago they might
23 have done 7 or 8,000 acres of clearing. But that was when
24 you could use mechanized equipment in the channel. We're
25 limited as to what we can do, when we can do it, and where

1 we can do it.

2 And as I've explained before, the challenge is
3 that each time we go into an area and remove the growth,
4 it means next year we have to go out there again.
5 Hopefully, it won't be with the same effort. But it takes
6 two or three years of aggressive management to go in and
7 change the habitat from something that might be heavily
8 vegetated to more of a grassy habitat. And the first year
9 or two years you might have to go in with these chippers
10 and mowers, and the next year maybe you can just spot
11 spray.

12 And we've been -- and I hate to say fortunate.
13 But the low flows in the bypass, this means that in
14 Tisdale and Fremont where we did the sediment removal,
15 there hasn't been as many cottonwoods started and we've
16 been able to handle them in our regular mowing. But if
17 you do get a lot of woody growth, it means you've got to
18 go in with the sprayer. And we're trying to do a better
19 and better job of getting into areas that we've cleared
20 before and staying on top of them, so we don't lose it.

21 So I'd like to see -- I mean, we did 1,200 acres
22 more. That's about 30 percent increase. And I'd like to
23 see us do that again next year, but it depends on the
24 weather, it depends on burning, if we can burn. All
25 those -- and that's tied together for our efficiencies.

1 SECRETARY DOHERTY: I have one more question for
2 you.

3 On the bypass, by the bridge, Highway 20, you did
4 a lot of mowing out in there. Now, that -- I don't know
5 if that was necessary. I would guess you thought it was
6 necessary. Somebody thought it was and ordered that done.
7 But it seems to me that the critical area is the old grove
8 area, and this was more cosmetic by the bridge.

9 Now, was there a real purpose behind that?

10 MAINTENANCE SUPPORT BRANCH CHIEF LERNER: I think
11 we do it to stay on top of the area, because there could
12 be willows and other woody debris starting. And, again,
13 if you don't want to lose it, it's easier to mow than to
14 send in hand crews to spray it and deal with it that way.

15 And I think we're going to try and be going --
16 getting into all areas. I mentioned the Bear River where
17 the Western Interceptor discharges. We're going to be
18 going in there. And with our new chipper, we'll be
19 attacking the old grove -- the duck club area.

20 SECRETARY DOHERTY: A party spoke to me about
21 putting an application in for grazing last May, and
22 they've never heard from anybody. They sent two letters.

23 MAINTENANCE SUPPORT BRANCH CHIEF LERNER: I'm not
24 familiar -- I'm familiar with some phone calls that were
25 made about Tisdale Bypass. But this would -- I

1 usually -- I refer them to the real estate group, because
2 they coordinate the rights for grazing.

3 SECRETARY DOHERTY: Yeah, I just thought it would
4 be easier to grade this than it would be to go mow it.
5 That's all. They pay you instead of you paying them.

6 MAINTENANCE SUPPORT BRANCH CHIEF LERNER:

7 Well, some of the grazers who have approached us
8 want us to pay them.

9 SECRETARY DOHERTY: Well, it depends on what
10 you're grazing.

11 MAINTENANCE SUPPORT BRANCH CHIEF LERNER:

12 We're open to it.

13 PRESIDENT CARTER: That was essentially where I
14 was headed with my questions, that -- I mean, if you're
15 maintaining 4,000 acres a year in the bypass, I really
16 think -- and, Olivia, you're sitting in the back. You
17 guys need to explore this managed grazing effort. These
18 animals, rain doesn't affect them, weather doesn't affect
19 them, terrain doesn't affect them. They'll go where
20 people and machines won't go and can't go. They will pay
21 to do it. You know, I think the state would be money
22 ahead, the people would be money ahead and better
23 protected if we aggressively looked at managed grazing in
24 these bypass areas and floodplains.

25 You know, it has to be -- you'd have to be

1 selective and it has to be managed. But I think it's a
2 great way to accomplish something. And these animals will
3 eat some of these small trees that are coming up, the
4 cottonwoods and whatnot. They will chew them down so they
5 won't get established where we don't want them. They can
6 be used to clean up and restore areas. And they will skin
7 up existing trees to as far as they can reach. And the
8 situation in the livestock industry forage is very, very
9 expensive. So it's a tremendous opportunity that we are
10 not taking advantage of that we really need to.

11 MAINTENANCE SUPPORT BRANCH CHIEF LERNER:

12 We'll pursue that.

13 PRESIDENT CARTER: Very good.

14 Well, thank you very -- oh, Mr. Hodgkins.

15 VICE-PRESIDENT HODGKINS: Noel, I appreciate that
16 that's a pretty significant list of accomplishments. But
17 for all of us, I wonder in the future when you do this, if
18 you could, maybe in more table form, show us what you
19 have. How many miles of levee are you responsible for,
20 for instance. What you think required one of the various
21 kinds of maintenance that you listed here and how much of
22 that you actually accomplish. Because I think it helps us
23 all to be able to recognize your accomplishments. But if
24 we still have shortfalls, to know where those are so that
25 we can all focus on trying to find ways to get those

1 shortfalls taken care of.

2 Do you understand what I'm saying?

3 MAINTENANCE SUPPORT BRANCH CHIEF LERNER:

4 Yeah. The levees are, I think, easy. We have
5 293 miles of levees to maintain.

6 VICE-PRESIDENT HODGKINS: And so you got them
7 all?

8 MAINTENANCE SUPPORT BRANCH CHIEF LERNER:

9 We got them all.

10 Channel, I think we have 1,700 miles -- 1,700
11 acres of -- no, wait a minute. Maybe it's 1,700 miles of
12 channels just lengthwise to maintain. And we can come up
13 with the acreage. There are areas we haven't gotten
14 into - Deer Creek, Elder Creek - that we're trying to
15 develop management plans to get in there.

16 We're going through and evaluating channel by
17 channel what the flow capacity is. And we met with the
18 Corps about -- what, two weeks ago we met with Gary Hester
19 and Virginia Cahill, we met with Jim Sandner in their
20 operations and discussed what are we being held to. And
21 it's the '57 design profile. So that's what we're going
22 to be using to evaluate our channel capacity. And in the
23 future, I could -- we could brief you on where we are on
24 that evaluation and what our plans are.

25 VICE-PRESIDENT HODGKINS: Again, I think -- I'm

1 only trying to suggest that to the extent that we present
2 a balanced view of where we are on providing for public
3 safety, we improve our chances if there's more that needs
4 to be done in getting the legislative or administrative
5 support to be able to do that. And I think it's an
6 important thing to do.

7 MAINTENANCE SUPPORT BRANCH CHIEF LERNER:

8 Okay. When Keith gets back, I'll go over this
9 and we'll work out a good format to present that.

10 VICE-PRESIDENT HODGKINS: Thank you.

11 BOARD MEMBER RIE: Did you get anything in
12 writing from the Corps on that agreement that it's the '57
13 profile that represents our target for maintenance?

14 MAINTENANCE SUPPORT BRANCH CHIEF LERNER: We
15 didn't get anything from our meeting. There's a letter
16 from Colonel Light, I believe it was, that stated
17 that -- referred to the '57 profile as the design for the
18 channel. And we met with him to clarify, because there
19 was some question as to the role of the operations manual
20 as well as the '57 profile. And there was a question as
21 to which we would look at if the numbers were different,
22 that oftentimes the operations and maintenance manual was
23 higher because that was produced prior to the 1957 design
24 profile. And the letter refers to the '57 design profile
25 for design flows.

1 BOARD MEMBER RIE: I know the question came up
2 last month when we were talking about the capacity of the
3 bypass. And I know you guys were going to look into that
4 and get back to us. And it's important because that
5 affects whether we have hundred-year capacity or something
6 slightly less than a hundred-year.

7 MAINTENANCE SUPPORT BRANCH CHIEF LERNER:

8 We -- when we evaluate channels, we use the
9 flows. We don't look at the levels of protection, because
10 that might change with hydrology. And we don't -- we
11 don't have the resources in our branch to really do
12 hydrology. We rely on the Corps and other groups in the
13 state. And we do use though the flows in the stages that
14 are either in the operations manual or in the '57 design
15 profile.

16 So that's what we're basing our analysis.

17 BOARD MEMBER RIE: Which one are you using, the
18 O&M manual or the '57 profile, when you're trying to
19 determine how much vegetation to remove?

20 MAINTENANCE SUPPORT BRANCH CHIEF LERNER:

21 We're now using the 1957 design flows.

22 BOARD MEMBER RIE: Okay. Are you okay with that,
23 Board Member Lady Bug?

24 SECRETARY DOHERTY: Using the '57? Until we get
25 it changed, I think so.

1 EXECUTIVE OFFICER PUNIA: I just want to
2 elaborate.

3 Gary Hester, our counsel, and Noel met with Jim
4 Sandner, and they reached this conclusion. Gary may have
5 more to elaborate this. I think our recommendation from
6 the staff meeting was that the 1957 profile is the design
7 flow for Sutter Bypass.

8 Gary.

9 CHIEF ENGINEER HESTER: And I just wanted to add
10 that we do need some confirming documentation from the
11 Corps. Mr. Sandner agreed that he would try to locate it
12 within their files maybe in archives. But we agreed to
13 basically memorialize that. And if we cannot locate it,
14 we will be getting back together with them in January.
15 But it's consistent, I think, with the way most people
16 have understood the system to be interpreted that the '57
17 profile is what governs.

18 PRESIDENT CARTER: Okay.

19 BOARD MEMBER RIE: Thank you for doing that.
20 It's good to hear that the staff is giving this bypass
21 some priority now.

22 PRESIDENT CARTER: So, ladies and gentlemen,
23 given that Ms. Lynn has got a La Nada situation and
24 forecasting is a little bit challenging, are you all
25 comfortable that we're ready for an uncertain flood

1 season?

2 What's the bottom line?

3 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI:

4 Yes. Gary Bardini, Hydrology and Flood
5 Operations Chief.

6 I think we're looking -- two things. I think
7 Elissa kind of flipped up one graphic. The bad news about
8 a drought is you're a little, maybe potentially, water
9 short. The good news is is we have a lot of incidental
10 flood control space. So right now we're looking, that
11 even with the bigger storms here, we'll have the
12 opportunity at least to control those flows quite easily
13 because of the additional flood control space on most of
14 the major reservoirs. It'll be the uncontrolled stream
15 groups. That will be the area of concern at least in the
16 near future.

17 As Elissa had talked about, we don't have a clear
18 signal when we have this kind of condition. We do -- are
19 looking at a condition that looks like at least we might
20 get in a wet pattern. And then, of course, the question's
21 how long can a wet pattern hold up. And, of course, it's
22 always the intensity and the severity of it is what will
23 be guarded. But I think in general -- I think with the
24 improvements that you've heard from all the staff here
25 today, I think we're in much better shape than I probably

1 would say we've been in in a very long time. So I believe
2 that's the very good news.

3 PRESIDENT CARTER: Thank you.

4 Thank you all for all of your efforts.

5 VICE-PRESIDENT HODGKINS: Gary, yesterday we
6 toured the flood center. And while in the river forecast
7 center, I got into a discussion about the profilers. Do
8 you know what I mean when I say the profilers?

9 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI:

10 Yes.

11 VICE-PRESIDENT HODGKINS: And I understand we're
12 getting them installed, but the gentleman didn't know
13 whether we're formulating a project or actually have an
14 authorization and finalizing when we're going to put them.

15 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI:

16 Yeah. We just put a -- couldn't have set that
17 question up better. This is one of the many initiatives
18 to greatly enhance our flood emergency operation capacity.
19 And this is an effort that we're doing right now with NOAA
20 with the -- we're partnering with them. And NOAA had
21 actually installed the first really great technological
22 changes that have occurred. And we've been able to go
23 with a cost-effective way. And it looks like we'll be
24 able to put some profilers -- they were costing literally
25 about a million dollars. They're getting it down to about

1 \$25,000 to put these in. And so the first one went on the
2 I-80 corridor about three weeks ago.

3 And so we have a program over the next five years
4 working with NOAA to install more profilers throughout
5 the -- really not just in the Sierra watersheds, but we
6 also want to put these on the coast because -- we call
7 that the frontline, the picket fence, so to speak, before
8 we get into the central valley. And so we have plans
9 working with NOAA to scale that program up.

10 So we're going to be putting, I think right
11 now -- again, it's always based on our funding
12 availability. And, of course, we might have a little bit
13 of a snag right now to get things in place. But barring
14 all these funding issues, we would like to move forward
15 though with at least five right now is kind of in mind,
16 and then expanding that program.

17 Of course with that program there's other
18 sensors - soil moistures, other additional gauging in the
19 watersheds that will yet enhance not just our forecasting
20 watershed model capabilities, but it also is going to be
21 some pivotal information also for climate and climate
22 analysis that's going on that's supporting broad resource
23 issues for the state and the Department.

24 PRESIDENT CARTER: Mr. Bardini, for the benefit
25 of those who don't know what they are, could you describe

1 what profilers are?

2 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI:

3 Well, they're radars that actually go from ground
4 basin and actually we shoot up. And what they've allowed
5 us to do is see exactly some of the conditions that we
6 talked about as -- one is we actually know exactly if we
7 have, what they call, the -- well, first of all, we know
8 where the snow zone is, exactly where it's at, and then
9 it's condition --

10 PRESIDENT CARTER: Freezing level.

11 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI:

12 Yeah, exactly. And then, of course, it's what we
13 call the river -- what we call the river -- come on --
14 atmospheric rivers -- boy, I just totally lapsed. We
15 could see those conditions of that. And that's what we
16 used to always call, as Elissa was saying, used to be the
17 Pineapple Express conditions or whatever. But it's these
18 atmospheric river conditions. And allows us to see the
19 profile of actual -- the storms coming through and
20 actually looking up through it in a vertical way.

21 So it's quite an achievement of technology.
22 We're just starting to get the information now. The
23 question is just, how do we actually use that information,
24 actually put it to use in our decision support tools in
25 forecasting and make the best use of that information.

1 PRESIDENT CARTER: Thank you.

2 Any other questions?

3 Great briefing. Thank you very much.

4 HYDROLOGY & FLOOD OPERATIONS CHIEF BARDINI:

5 Well, thank you very much. And we look forward
6 to our next year's briefing.

7 PRESIDENT CARTER: Let's take a ten-minute break,
8 ladies and gentlemen. And we'll continue on with Item 16
9 on the agenda.

10 (Thereupon a recess was taken.)

11 PRESIDENT CARTER: All right, ladies and
12 gentlemen, all you diehards that are still out there,
13 let's get going here again with our meeting.

14 As you recall, we had wrapped up Item 15 and
15 we're on to Item 16, Report of the Activities of the
16 Executive Officer.

17 So, Mr. Punia.

18 EXECUTIVE OFFICER PUNIA: Jay Punia, Executive
19 Officer at the Board.

20 First of all, before going to my list, I want to
21 ask my appreciation for Debbie Smith, Board Member Emma
22 Suarez, Dan Fua, and Nancy Finch. With their help, the
23 proposed amendment to Title 23 regulation that the Board
24 approved on November 21st meeting has been forwarded to
25 the Office of Administrative Law for publication. And the

1 Office of Administrative Law has published the proposed
2 amendment in the OAL's regulatory notice just on December
3 12th for the 45-day public comment. The deadline for
4 written comments is January 26th, 2009.

5 I think without their effort this was not
6 possible. So I really appreciate it. And I think, as
7 Board recommended, we want to keep this momentum going.

8 And the second item on my list is the 408
9 approval. I'm just happy to inform the Board that the
10 U.S. Army Corps of Engineers has given the 408 approval
11 for segment 2, which includes the tie-in for the setback
12 levee and the degradation of the existing levee.

13 As the Board may recall, we have issued the
14 permit to the TRLIA for the setback levee, but we haven't
15 issued the permit for degradation of the existing levee.
16 So TRLIA will be coming back to us for the permit for the
17 degrading the existing levee. However, we have received
18 the U.S. Army Corps of Engineers' 408 approval for that
19 component.

20 And as previously discussed briefly, we met with
21 the U.S. Army Corps of Engineers, as suggested by the
22 Board, to close the loop on the Bear River Setback Levee.
23 And based upon our discussion, the Corps will send us a
24 letter in which they will state that the O&M manual
25 prepared for the Bear River levee is acceptable to the

1 Corps and that the setback levee is part of the Federal
2 Flood Control Project. So that will close the loop and
3 the Bear River setback levee will be part of the Federal
4 Flood Control Project.

5 And as mentioned earlier, Gary and Chief Counsel
6 of the Board and Noel Lerner met with Jim Sandner to reach
7 a conclusion that, what's the design flow for the Sutter
8 Bypass? And they concluded that 1957 design flow will go
9 on.

10 And Gary had, as requested by the resolution, to
11 come up with a cost estimate. Gary had discussions with a
12 lot of modelers. I will let Gary elaborate what's the
13 cost of developing a two-dimensional model.

14 CHIEF ENGINEER HESTER: I just wanted to confirm
15 that the information that Ms. Doherty got from the Corps
16 is pretty much in the ballpark of what I was discussing
17 with some of the modelers that I talked to. And some of
18 the information that I think is important to consider is
19 that the Corps has contracted out a modeling and a 2D
20 modeling effort in the lower reach of the Sutter Bypass,
21 which is actually the most difficult part to model because
22 you have the confluence of the Sacramento River, the
23 Sutter Bypass and the Feather River, and then you have the
24 flow splits over Fremont Weir and the remainder going down
25 the Sacramento River channel. So from a modeling

1 perspective, that's the most challenging piece. So the
2 Corps is already moving ahead with that modeling effort,
3 and that contract amount is about \$130,000.

4 So I talked with the consulting firm that is
5 engaged in that contract. And they thought that to do the
6 remainder of the bypass would be in the neighborhood of
7 100,000 to 200,000. And a lot of that is assuming that
8 the lidar topography that Ricardo Pineda's program is
9 getting and processing is available in time to do this
10 work.

11 And then I got confirmation -- as you might
12 recall, Joe Countryman provided an estimate off the top of
13 his head when we were talking about this issue a few
14 months ago. And he said a hundred thousand was his
15 estimate. And I confirmed with his staff that that's
16 pretty much a ballpark estimate from them as well.

17 The caution here is that, you know, this would
18 have to be bid and we would have to have a very clear
19 scope of work and make sure that we're very clear about
20 what areas we were requiring for this model. But
21 everybody was very open to having this discussion and
22 interested in moving forward. And I think there was a
23 general sense that this would be a very useful thing to
24 do.

25 SECRETARY DOHERTY: That's great.

1 Now, the lower end, I hadn't even thought about
2 that. But, yeah, you are absolutely right about the
3 confluence of everything. But I thought for a minute, you
4 meant just the lower end of the wildlife area where it
5 ties in with the Tisdale. But it's definitely -- I
6 wouldn't expect them to do -- have to do the entire thing.
7 That's quite a distance from Fremont up.

8 CHIEF ENGINEER HESTER: Well, the discussion that
9 I was having would basically include the overflow at the
10 weirs. I mean, it would be -- Colusa and Tisdale to tie
11 into the work that they're already doing down at the lower
12 end of the bypass.

13 And there is some two-dimensional modeling work
14 that was done quite a few years ago on, I think, the upper
15 reaches. It probably went into the Butte Basin as well.
16 And that's --

17 SECRETARY DOHERTY: That's true. And they
18 removed some of the trees in the Butte Basin in a certain
19 area to keep the water flowing. But it's right where they
20 hit that grove. And according to the witnesses there, the
21 water turns, and that's where the levee broke. So I would
22 want -- right there, I'd like to know something about the
23 level.

24 CHIEF ENGINEER HESTER: The other part of the
25 discussion that I was having -- and we've had ongoing

1 discussions with Noel Lerner and his staff, because -- and
2 in answer to Ms. Rie's question about what additional
3 information can we get out of the existing HEC-RAS model,
4 I think they're -- they are working on finalizing the
5 results. And I think we can at least have some interim
6 conclusions for the work they've done, once they're
7 confident that all of the datum issues and some of the
8 other issues that they want to resolve are -- you know,
9 are indeed resolved and they have confidence in the
10 results.

11 So it will take awhile to develop a scope. And
12 obviously the -- and the resolution was modified to say,
13 "... if funding becomes available." And so the challenge
14 here is to put together the right cost-sharing folks. And
15 I have not had a chance to approach the Fish and Wildlife
16 Service on whether they would participate. What I do know
17 is that DWR maintenance staff actually funds them for a
18 position to help with permitting issues as well as
19 participation in a collaborative. And so, you know, I
20 would infer from that that they don't necessarily have a
21 pot of money ready at hand to engage in something like
22 this. But it's certainly something that we'll pursue and
23 give them a call and see if they'd participate at some
24 level.

25 SECRETARY DOHERTY: I'm just happy to know that

1 this discussion was all ongoing, and I really appreciate
2 it. I can go home and tell everybody, "Hey, you know,
3 things are progressing."

4 BOARD MEMBER RIE: Is the Corps -- you said the
5 Corps hired a consultant to develop a 2D model for the
6 river?

7 CHIEF ENGINEER HESTER: It's for the lower
8 portion of the Sutter Bypass, but it includes the
9 Sacramento River as well as the Sutter Bypass and the
10 Feather, since they all -- the confluence there is what
11 comes in at the lower end of the bypass. But the
12 challenge from a modeling perspective is making sure that
13 you define those boundary conditions so that you can --
14 you have the upstream and downstream boundary conditions
15 so that you get the flow split right at the weir -- at
16 Fremont Weir.

17 BOARD MEMBER RIE: How was the Corps funding
18 that?

19 CHIEF ENGINEER HESTER: I'm not sure. I didn't
20 probe into that. I think there are some projects in
21 that -- there may even be some restoration projects that
22 this was done for.

23 BOARD MEMBER RIE: Who is the consultant?

24 CHIEF ENGINEER HESTER: The consultant is
25 Ayers -- Ayers and Associates.

1 BOARD MEMBER RIE: Would it be possible for you
2 to have the discussion with the Corps to expand their
3 model? Because it may be cheaper to, you know, piggyback
4 on their contract.

5 CHIEF ENGINEER HESTER: That was really my next
6 task. I have not had a chance to talk with Corps
7 hydraulic design on their existing modeling effort. And,
8 yes, I think that's entirely appropriate.

9 BOARD MEMBER RIE: Okay.

10 PRESIDENT CARTER: Butch.

11 VICE-PRESIDENT HODGKINS: Gary, are they using
12 RMA-2?

13 CHIEF ENGINEER HESTER: Yes, they are.

14 VICE-PRESIDENT HODGKINS: I would ask that you at
15 least discuss with Keith and DWR how they feel
16 about -- it's a difficult model to use. And you can end
17 up in a situation like we have in the Yolo Bypass, where
18 the only way you can get the model run from a practical
19 standpoint is to go to the Corps or MBK or somebody who
20 has a lot of expertise in RMA-2, and get them to run the
21 model for you. So that's just something to think about as
22 we go forward here. Because we'd like to get this -- you
23 know, FLO-2D would be great if there's any way that could
24 be used. And I don't know if it can or not. But it's
25 something else to think about.

1 CHIEF ENGINEER HESTER: Okay.

2 PRESIDENT CARTER: Please proceed, Jay.

3 EXECUTIVE OFFICER PUNIA: Okay. Board Member

4 Teri Rie requested that we update the Board on the 408
5 request.

6 A spreadsheet is included in your package. If
7 the Board desires, then Eric can give a quick synopsis of
8 what this means. It's up to the Board, if they have the
9 desire and the time.

10 SECRETARY DOHERTY: Where is it?

11 EXECUTIVE OFFICER PUNIA: It's included in your
12 package, which was given today in your folder. This looks
13 like this, and it lists all the projects and giving the
14 status where the 408 application is.

15 PRESIDENT CARTER: You know, Eric, if you could
16 just give us a five-minute.

17 SENIOR ENGINEER BUTLER: Yeah, I call this the
18 farsightedness test.

19 Where this came from actually was it evolved out
20 of the 408 task force process. And one of the Corps staff
21 back in Washington had suggested that we put together a
22 matrix, that it would help them get a better handle on
23 just, you know, sort of California's current and
24 near-future projected 408 requests that they may be
25 receiving.

1 So this has kind of evolved over -- probably
2 since July or August. And basically where it's getting us
3 is inability to keep them abreast of status. And also now
4 I think it's -- we're going to take it over as a tool to
5 move forward in keeping you folks appraised and for
6 anybody else who's interested in tracking these projects.

7 There's some information on here that even I
8 don't understand yet in terms of some of the credit
9 classifications. But generally speaking, about once a
10 month we go through this and we try to update it, as Jay
11 mentioned, you know, the recent approval on the Feather
12 River project. And then typically what I've been doing is
13 every couple months I send it over to Rick Reinhardt at
14 MBK, who's the program manager for SAFCA's Natomas Levee
15 Improvement Program, and he updates that portion of it.

16 I'll have to say that the quality control on it
17 is probably 80, 85 percent, so there may be some things
18 that aren't exactly perfect. I know there's some dates
19 that are missing. But generally speaking, this is sort of
20 where we are right now with our 408 process.

21 And I would certainly be welcome to any
22 suggestions on how to improve it. If there's things on it
23 that you feel are missing or you don't understand, please
24 pop me an Email, and I'll try to work with making it more
25 user friendly and a more valuable document for us as we

1 move forward.

2 PRESIDENT CARTER: Is there somebody at the Corps
3 that is maintaining: Not regularly. Although, I have
4 from time to time received input from Meegan Nagy on
5 certain projects. But I don't really have a person over
6 there that's looking at it comprehensively.

7 PRESIDENT CARTER: Okay.

8 EXECUTIVE OFFICER PUNIA: We are the custodian.
9 Eric is the person who's maintaining once in awhile. Then
10 it will get an update on this.

11 PRESIDENT CARTER: Okay.

12 BOARD MEMBER SUAREZ: Mr. President?

13 PRESIDENT CARTER: Emma.

14 BOARD MEMBER SUAREZ: Eric, if you could
15 reconcile then this big spreadsheet with the one
16 outstanding permit application summaries where -- if I
17 read this correctly, we're awaiting on 36 permit letters
18 from the Corps?

19 SENIOR ENGINEER BUTLER: That's correct. And
20 just to clarify, those 36 letters are combined -- most of
21 them fall into the 208-10 encroachment permit category.
22 There are a few of the 408 requests that are accounted for
23 in there.

24 BOARD MEMBER SUAREZ: All right.

25 PRESIDENT CARTER: Okay.

1 EXECUTIVE OFFICER PUNIA: If there's no further
2 comments on the 408, maybe Eric can also give a quick
3 synopsis of the status of the permits.

4 There is another spreadsheet included in your
5 package which gives the overall summary of our pending
6 permits.

7 SENIOR ENGINEER BUTLER: Yeah, this one page is
8 basically a cover sheet of a much more detailed internal
9 spreadsheet, where I basically set it up to track --
10 initially for me to track all the CEQA processes, I was
11 picking that up. But we use it internally to track all
12 the 208-10 processes and when we've received LMA
13 endorsements and Corps letters and CEQA findings from both
14 lead agencies and ourselves.

15 And I really think sort of the next thing we need
16 to do with this is get a better handle on those permits
17 that have, for one reason or another, fallen into, what I
18 call, the on-hold category. I don't think we truly -- you
19 know, when I tell that there's 158 total open applications
20 and there's 30 something that we're waiting for Corps
21 letters, et cetera, I think it overstates the fact that we
22 have a lot of permits that we're not able to work on.
23 There's a big chunk of those that, for one reason or
24 another, are on hold. And I'd like to do a better job of
25 incorporating that very simply in this spreadsheet.

1 At the same time, Jay mentioned there was
2 discussion earlier about our need to get to the Corps a
3 sort of a cover sheet that we give to the Corps when we
4 submit a permit application to them for their review, so
5 that they have a better sense that we've screened it and
6 we believe it's this type of a project, this type of a
7 project, you know, whether it's public or utility. And I
8 think there's some category descriptions in these two
9 documents that we can merge together better so that, you
10 know, we have a better ability to sort of triage the
11 permits as they come in and get a better sense of, you
12 know, which ones are hot stove and which ones might be
13 able to, you know, defer a little bit longer. Because we
14 obviously have more permits on our plate than we can
15 handle. So we have to be very efficient at selecting
16 which ones we're going to work on from month to month.

17 EXECUTIVE OFFICER PUNIA: Eric, you want to give
18 the little bit of synopsis on the pending permits, your
19 summary of the 2008 numbers, so that the Board can
20 appreciate and understand.

21 SENIOR ENGINEER BUTLER: Are you talking about
22 what permits are currently scheduled?

23 EXECUTIVE OFFICER PUNIA: Yes.

24 SENIOR ENGINEER BUTLER: Let's see. We have --
25 well, we'll move those six permits that we pulled off

1 consent today. We'll bring those back in January. I
2 believe that will give us a total of 18 or so in January.
3 So that will be a big calendar. Those are some -- mostly
4 consent, I think a couple hearings. And then I think
5 we've got about six on the docket for February.

6 That said, we're back to about a hundred permits
7 that are -- that we've taken in from applicants that are
8 waiting to be scheduled for future meetings. So there's
9 still quite a daunting task ahead of us to speed up and
10 make efficient our process. And especially -- I think a
11 lot of that is how we coordinate with the Corps, how we're
12 going to be able to move forward in meeting some of the
13 things they have asked us to do. While at the same time,
14 they're hiring some new people. Hopefully, that will help
15 out.

16 PRESIDENT CARTER: I noticed there's one permit
17 that you've got for January '09 that's for hearing, but
18 nothing on the future agenda for hearings.

19 SENIOR ENGINEER BUTLER: I believe that reflects
20 there was a permit along -- Jon, correct me if I'm
21 wrong -- that a Garden Highway permit, a Hutton permit
22 that we -- about a month ago we felt it was going to be a
23 hearing. And I believe now we're looking to hold off on
24 that until we get better -- a clarification from SAFCA and
25 the Corps as to how they're going to move forward with

1 encroachments along the Garden Highway. So there may be
2 some slight number mismatches here, but I think that's
3 what that one was.

4 PRESIDENT CARTER: Okay.

5 EXECUTIVE OFFICER PUNIA: And the bottom line, I
6 think the number -- the summary sheet's shown underneath.
7 So the Board approved approximately 36 permits, which we
8 are awaiting the letters from the Corps. So we are not
9 able to issue those permits, although they have been
10 approved by the Board.

11 PRESIDENT CARTER: And this is the sheet that we
12 use as a guide, and when we get into discussions and we
13 have the meeting with the Colonel and his staff regarding
14 permit and permit status and what we can do and how we can
15 approve the process.

16 EXECUTIVE OFFICER PUNIA: Okay. Quick status of
17 the new hiring process. I'm glad to inform you that Jon
18 Yego has offered a job to an environmental specialist.
19 And that person has tentatively -- maybe Jon can elaborate
20 on this.

21 FLOODWAY PROTECTION SECTION CHIEF YEGO: Yes, we
22 did have an offer. And yesterday afternoon that candidate
23 had to decline the position. So we're looking at possibly
24 a second selection.

25 EXECUTIVE OFFICER PUNIA: Okay. That didn't turn

1 out to be good news.

2 (Laughter.)

3 EXECUTIVE OFFICER PUNIA: But that's the status
4 of the environmental specialist.

5 Then we are trying to advertise two senior
6 positions. And we have submitted the paperwork. But the
7 personnel hasn't yet released for advertisement.

8 And then we are also planning to advertise Geoff
9 Shumway's position so that we can get another support
10 staff person right away.

11 And then we have several other positions once --
12 the strategy is that once we hire the senior, they will
13 help to hire their staff to fill the remaining vacant
14 positions.

15 BOARD MEMBER RIE: Comment?

16 Well, considering we don't have an environmental
17 specialist, which is required to review the permits, and I
18 know Eric is stepping up and he has to do that in addition
19 to all his other tasks, and we're not able to hire other
20 people because of paperwork, I think our Board needs to
21 really look at all of our requests and all the things that
22 we've asked staff to do, and we should have a discussion
23 of priorities possibly next month or February. I think we
24 should, you know, have a list of everything including the
25 Bear River encroachments, Sutter Bypass, JPAs, regulations

1 and building standards. And we need to prioritize so that
2 the staff knows, other than the permits that need to move
3 forward, how they can allocate the limited resources they
4 have.

5 So that would be my request for a future meeting,
6 that we put that on the agenda.

7 EXECUTIVE OFFICER PUNIA: I think the subject was
8 briefly discussed, but I want to mention, there's a
9 package included in your handout, which was given this
10 morning, that we will be bringing for the Board's
11 consideration a resolution of necessity to acquire land
12 for the Cache Creek project. Our sample letter and the
13 procedure is explained in the package. And we are
14 requesting that that item be put on the agenda for the
15 next month.

16 BOARD MEMBER RIE: A question.

17 When this comes before the Board, are we inviting
18 the property owners to attend the hearing?

19 EXECUTIVE OFFICER PUNIA: Yes. There's formal
20 requirements that the property owner has to be notified.
21 And Olivia and the Real Estate staff are going through
22 that process. And this is one of the requirements of the
23 process, that the property owner and the Board be notified
24 that we will be bringing this to the Board during the next
25 month's meeting.

1 BOARD MEMBER RIE: Okay. And I'm sure this is
2 part of the procedure for imminent domain. But when we
3 talk about this next month, I think the Board members need
4 to see offers that have been written, rejected by the
5 property owners, and any responses from those property
6 owners. We need all the background information, because
7 obviously the property owners are going to be before the
8 Board and, you know, they're going to comment and they're
9 going to have questions. And we need to have all that
10 information in front of us.

11 EXECUTIVE OFFICER PUNIA: Yeah, I think --
12 whatever legally can be disclosed at a public meeting will
13 be presented to the Board and to the public. I think
14 there may -- I'm not up to speed. There may be some
15 limitation on how far they can release this type of
16 information of what was offered to the property owner.
17 But whatsoever can be declared to the Board members or the
18 public, that will be shared with the public and the Board
19 members.

20 BOARD MEMBER RIE: And just keep in mind that
21 usually the property owners don't think that whatever
22 offer we've given them is fair. So we need to look very
23 carefully at that. And maybe you should start having
24 conversations with legal counsel now on what can be
25 brought before the Board, because all those questions are

1 going to come up.

2 EXECUTIVE OFFICER PUNIA: Yeah. Nancy's working
3 on the subject.

4 Nancy, you may have a comment to make on the
5 subject.

6 PRESIDENT CARTER: I'd just like to say that when
7 staff prepares the staff report and prepares for the
8 hearing, they think of it in the terms of what does the
9 Board need -- what information does the Board need to make
10 an informed decision? And to consider all of the facts,
11 not necessarily from the standpoint of, you know, what can
12 we divulge and what can we not and what's confidential.
13 If there's something that the Board needs to know to make
14 a decision, you'd better let the Board know. Otherwise,
15 we're not going to be able to make an informed, fair
16 decision.

17 SECRETARY DOHERTY: Buying a pig in a poke.

18 PRESIDENT CARTER: Nancy.

19 STAFF COUNSEL FINCH: Well, I just want to let
20 you know that Real Estate Branch and the Legal Office and
21 the program people and environmental scientists have --
22 we've all been working together on this issue, and we're
23 coordinating for the presentation next month. So I
24 anticipate that it will be a complete presentation and
25 give you good information.

1 And if, at this point, if there's anything else
2 that you'd like regarding the topic, let us know. And
3 then we'll make sure it's part of the packet -- the
4 presentation.

5 PRESIDENT CARTER: You better let us know what's
6 in the packet so that we can react to that rather than --

7 STAFF COUNSEL FINCH: Right. Well, you know,
8 part of it is there will be findings. I mean, there will
9 be the -- there's the CEQA compliance. So there will be
10 the presentation of the project and the presentation of
11 the CEQA compliance. And so there will be one resolution
12 for the CEQA compliance. And then it will be moved onto
13 the resolution of necessity.

14 So that's how I anticipate the staff presentation
15 proceeding.

16 BOARD MEMBER RIE: Have you guys done an
17 appraisal?

18 STAFF COUNSEL FINCH: Yeah, there's been an
19 appraisal. I think that's part of the process. I mean, I
20 know it's part of the process.

21 BOARD MEMBER RIE: Okay. Because we're going to
22 need to see those appraisals. And in terms of adopting
23 any CEQA, we're going to need to get the CEQA document in
24 advance. If it lands on the desktop, you know, ten
25 minutes before the hearing, that's going to be an issue.

1 STAFF COUNSEL FINCH: And actually it was a
2 mitigated negative declaration, and it's been circulated.
3 And so we'll make sure it gets to you in plenty of time.

4 BOARD MEMBER RIE: Okay.

5 STAFF COUNSEL FINCH: It is complete.

6 VICE-PRESIDENT HODGKINS: If there is information
7 that you're reluctant -- that you don't believe you're
8 allowed to share in public, isn't property acquisitions
9 and real estate negotiations an item you're allowed to
10 brief the Board with in closed session?

11 So if you have that kind of information, you
12 could schedule a closed session in connection with that
13 item at some point.

14 STAFF COUNSEL FINCH: That's a good
15 consideration -- recommendation.

16 And if I can just add --

17 PRESIDENT CARTER: I don't believe the
18 Bagley-Keene allows for that, but we need to double check.
19 Because I believe the only reasons that we have -- or
20 exceptions we have to open public meetings are personnel
21 or litigation.

22 STAFF COUNSEL FINCH: And I do want to add that I
23 haven't looked into the confidentiality issue. That's
24 something that Jay mentioned. And, at this point, it's
25 not on my radar screen. So -- pardon?

1 Yeah, well, okay. What Ginny just said, it
2 should be.

3 But what I'm saying is it hasn't been an issue
4 that has been discussed in-depthly, because it is an open
5 process. And so the information will be forthcoming.
6 Nothing is anticipated that it would be hidden. And I
7 just think Jay was, you know, considering caution in
8 stating that. But what I'm saying is I haven't, in our
9 discussions with staff, heard of any confidential
10 information that will be withheld.

11 BOARD MEMBER RIE: But if there is, Mr. Hodgkins
12 brings up a very good point. You know, you need to
13 consider if a closed session would be appropriate for this
14 particular hearing item. And if so, you guys will need to
15 do whatever research you need to do to see if we can do
16 that. And if we can't, then we're still going to need the
17 information. And the question will come up, what the
18 state is offering these property owners, is it fair? And
19 then we're going to ask the question, "What are we
20 offering?" And we're going to --

21 STAFF COUNSEL FINCH: -- knows the law regarding
22 what the state can offer. And so we'll make sure that's
23 completely briefed.

24 BOARD MEMBER RIE: Okay.

25 VICE-PRESIDENT HODGKINS: And could I ask one

1 other question.

2 In other situations, where you were headed to a
3 potential condemnation, at some point the Board was
4 authorized to make an offer to settle the matter. And I'm
5 curious at the state how that works. I mean some of the
6 things that would get incorporated into that is where are
7 we, where are they, what are the potential trial costs, if
8 that difference is big enough and this is a local -- it's
9 a big enough difference, then there's a possibility that
10 the court would award court costs to the defendant. And
11 in any case, our own court costs are going to be costs to
12 the state. So that all becomes part of settling this, if
13 you can settle it. And I don't know how DWR does those
14 kinds of things. So I'd like to know as part of this.

15 Or if not -- we're not there yet. This is just a
16 resolution. But at some point, I think the Board would
17 like to know would we be able to consider that before we
18 actually go into court.

19 STAFF COUNSEL FINCH: Right. So you'd like that
20 as part of the presentation next month, the next steps.

21 And my understanding from Real Estate is that
22 they have negotiated with the landowners -- some of the
23 landowners. And DWR has done what it could -- or the Real
24 Estate Branch on behalf of the Board has done what it can
25 do, what it can offer. And there's not much more at this

1 point that they can do legally. That's my understanding.

2 And I'd also like to let you know, I'm not the
3 only attorney at DWR working on this. And so that's why
4 I -- since there's more than one of us working on it, I
5 don't have all the facts.

6 SECRETARY DOHERTY: I'd like to add too, we did
7 one acquisition already. But because of the costs -- for
8 instance, at Tisdale, we bought that land outside and we
9 couldn't agree on a price at first. But by the time you
10 added in trucking, you could throw a little more towards
11 the land to save the trucking costs.

12 So that's stuff to be considered too. I mean, I
13 don't know what --

14 STAFF COUNSEL FINCH: And if that's possible that
15 those type of expenses could be factored in, I'm sure the
16 Real Estate Branch has looked into that.

17 PRESIDENT CARTER: I think it's fair to say that
18 at this point, you know, Board members just remember that
19 we have ex parte rules. And so we need to remain arm's
20 length on the discussions here.

21 EXECUTIVE OFFICER PUNIA: Okay. The point is
22 well taken. We'll provide you the maximum information we
23 can on this subject so that you can make the appropriate
24 decision.

25 Mark Connelly from San Joaquin County is sitting

1 here. He's extending an invitation to the Board to
2 participate in a tour of the flood control facilities on
3 January 29th. And the San Joaquin County is also
4 coordinating with the U.S. Army Corps of Engineers. They
5 have invited Colonel Chapman, and he has accepted an
6 invitation. And there will be a press conference and a
7 signing ceremony for the Lower San Joaquin River
8 Feasibility Study and there will be a tour.

9 So we will request the Board members'
10 participation in this. We will discuss with President Ben
11 Carter and see who will be the people from the Board can
12 represent and participate in this event. It's January 29
13 from 8:40 and roughly the full day, 3:30 or 4.

14 BOARD MEMBER RIE: Mr. Punia, does this have to
15 be publicly noticed if more than two Board members attend
16 or is it a public ceremony?

17 EXECUTIVE OFFICER PUNIA: It's a public ceremony.
18 And I will rely on Ginny whether we can send more than two
19 Board members, or we may limit it to the two Board members
20 to --

21 LEGAL COUNSEL CAHILL: Is it a ceremony or is
22 it --

23 EXECUTIVE OFFICER PUNIA: It's an invitation from
24 the San Joaquin County to have a tour and participate in a
25 signing ceremony for the Lower San Joaquin River

1 Feasibility Study.

2 PRESIDENT CARTER: I think this is very similar
3 to the Folsom Dam modification groundbreaking ceremony. I
4 think all Board members are welcome. And we just need to
5 decide who would represent the Board in the ceremony
6 portion of that.

7 BOARD MEMBER BROWN: Well, it's an open public
8 meeting, isn't it?

9 PRESIDENT CARTER: Excuse me?

10 BOARD MEMBER BROWN: It's an open public meeting?

11 EXECUTIVE OFFICER PUNIA: That's correct.

12 PRESIDENT CARTER: It's a public ceremony.

13 LEGAL COUNSEL CAHILL: It's a ceremony and a
14 tour.

15 EXECUTIVE OFFICER PUNIA: And tour of the flood
16 control facilities.

17 LEGAL COUNSEL CAHILL: Well, I'm not sure about a
18 tour, when you get going around, or do you mean it's right
19 there and whoever --

20 EXECUTIVE OFFICER PUNIA: Yeah. Maybe if we can
21 allow Mark to elaborate more on this. Mark Connelly from
22 San Joaquin County.

23 MR. CONNELLY: Good afternoon, ladies and
24 gentlemen. Mark Connelly. I'm with San Joaquin Public
25 Works Flood Management.

1 SECRETARY DOHERTY: Your last name again?

2 MR. CONNELLY: And I want to extend a season's
3 greetings and Merry Christmas to all of you and your
4 families.

5 The day is -- what we're doing is -- Colonel
6 Chapman has never been to the county other than to visit
7 the port and to go to some of the facilities that the
8 Corps operates, namely, New Hogan Dam. And so what we're
9 doing is we're bringing him in and select staff. And
10 we've got five different events happening that day.

11 The first event is going to be a press conference
12 and either a real or faux signing ceremony, as was
13 mentioned, for the Lower San Joaquin River Feasibility
14 Study. That is definitely a public event.

15 The other events are not necessarily public.
16 However, they -- at this point. However, they may become
17 so, because we have members from FEMA, we anticipate
18 Department of Water Resources, as well as board members
19 from SJAFCA, the San Joaquin County, and possibly elected
20 officials from the city of Stockton who could be attending
21 this event.

22 And so I would just ask that you would consider
23 sending members to participate in this day-long event.
24 We're going to be just briefly talking about past and
25 present flood protection, providing an update on that.

1 We're going to be describing some things that are
2 happening in the future, as well as having a policy
3 discussion at lunch with elected officials.

4 And then we're going to be visiting five sites of
5 interest. For those who participated in the May trip,
6 this past May -- I was not part of the trip, I wasn't even
7 employed by the county at the time -- we'll be visiting
8 those same sites with maybe one addition. We'll be going
9 to Paradise Cut, RD 17 - and you were briefed a month or
10 so ago on what's happening in RD 17 - Smith Canal,
11 Calaveras River, and Bear Creek.

12 And so I hope I haven't confused anyone. For
13 sure the press conference is going to be a public event.
14 But as far as the rest of the events, the site visits in
15 the afternoon are going to be by invitation only. Of
16 course, if you wanted to bring members to participate, we
17 would extend that invitation to you. But it's not going
18 to be like an open public site visit.

19 PRESIDENT CARTER: Thank you very much.

20 It sounds like there may be an issue with
21 Bagley-Keene on portions of that and perhaps not on
22 others.

23 So, Ginny, if you can help us sort that out.

24 LEGAL COUNSEL CAHILL: Right. If Jay could send
25 me an Email to kind of lay out the different -- do you

1 have more than two Board members who are interested in
2 doing the whole day or --

3 VICE-PRESIDENT HODGKINS: What was the date?

4 EXECUTIVE OFFICER PUNIA: January 29th.

5 PRESIDENT CARTER: And the Lower San Joaquin
6 Feasibility Study, this Board is the non-federal sponsor
7 for that.

8 VICE-PRESIDENT HODGKINS: Did we approve signing
9 the cost-sharing agreement?

10 LEGAL COUNSEL CAHILL: Yes, you did.

11 PRESIDENT CARTER: Yes, I believe --

12 VICE-PRESIDENT HODGKINS: Okay. I just couldn't
13 remember.

14 BOARD MEMBER RIE: You know, some of the
15 locations that he mentioned that are on the tour, those
16 items -- some of them are pending applications before our
17 Board.

18 VICE-PRESIDENT HODGKINS: Yes.

19 LEGAL COUNSEL CAHILL: Yeah. I mean, I think --
20 I think the afternoon non-public portion is problematic.

21 Although, as Mr. Brown says, if you wanted to put
22 out a notice that more than two Board members might be
23 there --

24 BOARD MEMBER RIE: I think we should put out a
25 notice.

1 BOARD MEMBER BROWN: To be safe, Mr. Chairman,
2 just put out the notice. And then if we develop it with
3 more than two Board members --

4 BOARD MEMBER RIE: Then we're covered.

5 BOARD MEMBER BROWN: -- we're covered.

6 BOARD MEMBER RIE: And the notice should probably
7 say that, you know, "Members of the Central Valley Flood
8 Protection Board will be attending the tour."

9 PRESIDENT CARTER: I think we ought to -- I think
10 that's a good idea. I would like to check with the hosts
11 and sponsors of the event to be sure they're comfortable
12 with that. And if they are, then let's go ahead and do
13 it. If they aren't, then we'll discuss what gives them
14 heartburn and why and how we might be able to accommodate
15 the Board's interests as well as the open meeting laws
16 issues.

17 So, again, Ginny, if you could sort out the
18 details on where we might run afoul and what our
19 capabilities are. Jay, if you can maybe check with the --
20 or, Mark, if you can check with the hosts and sponsors and
21 see if more than two Board members attended and we had to
22 publicly notice the schedule and tour and other
23 activities, would that be a problem, and let Jay know.
24 And we'll go from there.

25 VICE-PRESIDENT HODGKINS: Could we also get an

1 outline of what the purpose is of going to these various
2 sites, and is there a press release --

3 MR. CONNELLY: Yes.

4 VICE-PRESIDENT HODGKINS: -- so we sort of have a
5 complete understanding of what the discussion items are.

6 MR. CONNELLY: Absolutely.

7 VICE-PRESIDENT HODGKINS: Thank you.

8 PRESIDENT CARTER: Mr. Punia.

9 EXECUTIVE OFFICER PUNIA: Okay. We'll work with
10 Ginny and Mark and sort it out whether we want to have it
11 publicly noticed or not on this subject.

12 I want to revisit the previously briefly
13 discussed establishment of a subcommittee to address the
14 joint power authority issue. Staff's perception and the
15 recommendation was not to have a formal three-member
16 subcommittee. We were just looking for a
17 task-force-level-type. Two Board members can discuss this
18 subject with the counsel and Scott Shapiro and then come
19 up with a recommendation for the full Board.

20 So I will open this for discussion and seek your
21 guidance on this subject.

22 PRESIDENT CARTER: I guess the issue is whether
23 or not we want to include more input from folks beyond Mr.
24 Shapiro and Three Rivers. And if it's the Board's desire
25 to do that, then we can still do that with just a task

1 group, assuming there's not more than two members of the
2 Board that have a strong desire to participate in that.
3 But I think that's the real issue.

4 BOARD MEMBER SUAREZ: Mr. President?

5 PRESIDENT CARTER: Ms. Suarez.

6 BOARD MEMBER SUAREZ: I would have a problem
7 having, what would appear to be, a very closed discussion.
8 Mr. Shapiro has a particular perspective and interest in
9 this process. I have heard personally from numerous
10 people that have a completely opposite view on elected
11 positions and in position of important public positions.
12 And I would hate for those folks to get the feeling that
13 this thing is getting rigged behind closed doors.

14 So I would urge this Board to do a formal task
15 group. I'd love to participate if that's an opportunity.
16 But whatever happens with this one, to me, it's very
17 important -- seems to me very important that we make it as
18 transparent and as open as possible.

19 PRESIDENT CARTER: Any other comments?

20 BOARD MEMBER RIE: Mr. Punia, considering all the
21 things before us, I mean, how could you possibly even
22 schedule another formal subcommittee? I mean, you guys
23 seem to be pretty backed up with a hundred open permits
24 and regulations and building standards and encroachments.
25 And so what is the scheduling situation?

1 EXECUTIVE OFFICER PUNIA: I think that this is a
2 valid comment, that based upon the workload we may not be
3 able to schedule the subcommittee meeting right away. It
4 will take some time to schedule the subcommittee meeting.
5 Because there is a lot of work involved in scheduling a
6 special subcommittee meeting, it will take some time.

7 PRESIDENT CARTER: So it's a question of what the
8 sense of urgency is on it, and from the Board's
9 perspective and the stakeholders' perspective. That's a
10 question of -- a discussion that you suggest in terms of
11 priorities.

12 BOARD MEMBER RIE: Yeah, I think we need to have
13 that discussion, because there's a lot of things involved
14 with a formal subcommittee. Someone's going to have to
15 get a court reporter. There's going to be different
16 perspectives. Someone's going to have to take minutes.
17 Ms. Cahill will have to do some legal analysis. Mr. Punia
18 will have to attend these meetings. So especially an
19 issue so controversial, it's going to take a lot of effort
20 by our staff and --

21 PRESIDENT CARTER: And the fact that it is
22 important and controversial kind of goes back to Emma's
23 point, where it really does need to be a relatively open
24 discussion, I think, amongst the Board. So it appears
25 that, you know, a subcommittee or at least open public

1 meetings needs to happen. And so we just need to decide
2 how we're going to work that in.

3 SECRETARY DOHERTY: And Scott was pushing, "No, I
4 need the answer now."

5 PRESIDENT CARTER: Well, he's already agreed
6 to -- Three Rivers has agreed to the decision the Board
7 made last month. That stands until the Board changes its
8 policy. So, to a certain extent, we bought ourselves some
9 time. And so we just need to factor that into whatever
10 priorities we have.

11 VICE-PRESIDENT HODGKINS: Although, I heard Scott
12 say that SAFCA's coming. Now, has SAFCA been in
13 communication with staff about permits in February?

14 SENIOR ENGINEER BUTLER: I've been participating
15 in monthly teleconferences related to their Natomas Levee
16 Improvement Program, and it was my understanding that
17 nothing's coming until maybe March, would be about the
18 earliest. Probably the next 408 request.

19 VICE-PRESIDENT HODGKINS: And the only reason I
20 bring it up is, if we don't get it taken care of before
21 SAFCA comes, we're going to get into the same situation
22 where somebody's saying, "It's not fair. You singled us
23 out," all of that. But if they're not coming till March,
24 probably we can do this in February.

25 SENIOR ENGINEER BUTLER: And I might add that my

1 sense, my personal opinion is that March timeframe could
2 get pushed back. They're really hung up with the Corps
3 right now on all the NEPA environmental documents, and the
4 scheduling is being driven by the need to engage the Corps
5 in those processes.

6 BOARD MEMBER RIE: And, you know, we don't
7 necessarily need to have a policy. Let's say SAFCA does
8 come in February. You know, we don't need to have a
9 policy in place. We haven't had a policy to date, you
10 know. We've always considered these type of issues as we
11 consider the permit. And we can have the discussion at
12 that time.

13 And considering all the other priorities that
14 staff has, I wouldn't consider this to be a high priority
15 at the moment. I think we have more pressing issues. And
16 encroachments would be near the top of the list, because
17 that could potentially have impact to life and property.

18 LEGAL COUNSEL CAHILL: You know, you could put an
19 agenda item on the next meeting, consideration of
20 formation of a subcommittee to look at these issues. And
21 then perhaps that would flush out some of the people that
22 are interested one way or another.

23 You know, we've gotten really no meaningful
24 written input on this. No one's really written a legal
25 argument saying you can't do this. The letter we just got

1 from the county said they believe it to be bad policy,
2 which is essentially an admission that it is policy.

3 You know, I think even if you ultimately decided
4 not to do the subcommittee, it might be worth having that
5 discussion on the agenda where people who are interested
6 can come and have input.

7 PRESIDENT CARTER: That's a good idea.

8 Mr. Punia.

9 EXECUTIVE OFFICER PUNIA: I think that suggestion
10 appeals to me, if that's appropriate -- acceptable to the
11 Board.

12 PRESIDENT CARTER: Okay. Please continue.

13 EXECUTIVE OFFICER PUNIA: Okay. We'll agendize
14 this item for the next meeting and continue this
15 discussion.

16 One more item I want to brief. The Board is on
17 the draft Sacramento-San Joaquin Drainage District Map, as
18 required by AB 162.

19 As we mentioned at the last meeting, the boundary
20 map for the drainage district that we have developed,
21 thanks to Lorraine, was posted on the web for 30 days for
22 comments -- for seeking comments from the public. We have
23 received five or six general comments on our map. And we
24 will incorporate their comments into our maps.

25 And I think we don't have our Internet access,

1 but Lorraine will give you a quick overview what the map
2 looks like and how we can drill down to see the details.

3 STAFF ANALYST PENDLEBURY: Lorraine Pendlebury,
4 Board staff.

5 (Thereupon an overhead presentation was
6 Presented as follows.)

7 STAFF ANALYST PENDLEBURY: Have you folks taken a
8 look at the website and the maps at all?

9 Some of you have? Okay.

10 PRESIDENT CARTER: I tried.

11 STAFF ANALYST PENDLEBURY: You tried?

12 RESIDENT CARTER: I didn't -- without success.

13 STAFF ANALYST PENDLEBURY: Oh.

14 BOARD MEMBER SUAREZ: You did it in slow-mo --

15 (Laughter.)

16 BOARD MEMBER RIE: I was able to, you know, zoom
17 in and zoom in and zoom in, which was a very nice feature.

18 STAFF ANALYST PENDLEBURY: Good. Okay.

19 EXECUTIVE OFFICER PUNIA: Good.

20 STAFF ANALYST PENDLEBURY: Okay. For those of
21 you who haven't taken a look, the maps were developed
22 using the 1913 creation of the Sac-San Joaquin Drainage
23 District and the legal boundary description, as well as
24 USGS quad maps and Bureau of Land Management files. It's
25 basically an interpretation of those legal boundaries.

1 There will be changes to it as we get more information.
2 But we needed to start with a baseline map in order to
3 accommodate the cities and counties to identify whether
4 they're within the boundary -- within the drainage
5 district boundary so they can comply with AB 162, which
6 requires them starting January 1st, 2009, to submit --
7 actually a little bit in advance of that, but the law
8 takes effect January 1st, 2009, where they are required to
9 submit their new or updated safety elements of their
10 general plans -- those to the Board for a 60-day review
11 period -- review and comment period.

12 So we went about this year developing the maps
13 using the criteria that I specified. And we posted them
14 on our website.

15 We can drill down three levels. Let me do the
16 first one.

17 --oOo--

18 STAFF ANALYST PENDLEBURY: The first level
19 identifies the area of the Sacramento-San Joaquin Drainage
20 District. And as you can see, it takes up a good part of
21 California. I believe it's 1.9 million acres. And we
22 have it overlaying the counties, because we needed to
23 identify the counties and cities.

24 If you click on one of the counties - and for the
25 example in your Board packet we used Sacramento county -

1 the next level will take you this close.

2 --o0o--

3 STAFF ANALYST PENDLEBURY: If you continue to
4 drill down one more level, you will get something like
5 this.

6 The drainage district is in green on these
7 maps -- the boundary's in green.

8 And Teri was able to, and you're able to,
9 actually keep viewing it closer and closer and closer.
10 Okay?

11 We hope in the future to have better software to
12 where we can even get more detail. And we will update the
13 maps according to that. Okay?

14 One of the comments that we've had has actually
15 been from our own cadastral unit -- DWR's Cadastral Unit
16 in the Division of Engineering. And they have gotten
17 later information -- more recent information that we can
18 also use to update the maps.

19 We also had a comment from, I believe it was, a
20 planner for Sacramento county, and they offered their
21 maps. But we need to take a look at that.

22 But most of the comments were from folks wanting
23 to know if we're actually in your drainage district. And
24 also there was a comment that asked if the city has
25 expanded out past the boundary of the drainage district

1 according to the map, are they still included? And we
2 haven't answered them yet on that. But we would have to
3 go by the legislated boundaries. We're hoping that the
4 city would include them in the general plan when they
5 submit it. Okay? But we feel we have to go with the
6 legislated boundary.

7 EXECUTIVE OFFICER PUNIA: I want to commend
8 Lorraine's efforts to accomplish this. And we'll continue
9 to refine this map with input from other folks.

10 PRESIDENT CARTER: Lorraine, great job, for you
11 and Jeff.

12 One thing that was curious that came up yesterday
13 actually was that the American River doesn't appear on the
14 map. So the question was raised, well, is that not in the
15 Sacramento-San Joaquin Drainage District. And according
16 to the maps, it's not. But it would seem to make sense
17 that it would be. So, anyway, a question.

18 STAFF ANALYST PENDLEBURY: Okay. We've written
19 that down.

20 Thank you.

21 PRESIDENT CARTER: Thank you.

22 Anything else, Jay?

23 EXECUTIVE OFFICER PUNIA: I think that's it I
24 have on my report, unless the Board has any questions. I
25 will be glad to answer.

1 Thank you.

2 BOARD MEMBER RIE: I have a question.

3 Will we be seeing any bimonthly reports any time
4 soon?

5 Not to put you on the spot. I know you were
6 away.

7 EXECUTIVE OFFICER PUNIA: Yeah, I think we will
8 start -- yes. We are negligent not doing it, so we'll
9 restart those reports.

10 BOARD MEMBER RIE: We'll give you a pass for
11 December.

12 (Laughter.)

13 PRESIDENT CARTER: Call, Email.

14 Okay. Very good.

15 If there are no other questions, then we'll move
16 on to Item 17, the future agenda.

17 There is a draft future agenda in the packet that
18 came in your folder this morning.

19 As Eric mentioned, there are a number of permits
20 that are on the consent calendar. All of the permits that
21 were postponed today are listed there, plus a number of
22 others.

23 No hearings and decisions. The Cache Creek
24 resolution of necessity is there, as stated early. And
25 West Sacramento is stated there.

1 Also under "requested actions" would probably --
2 we'll put the formation of two subcommittees that we
3 discussed today, the Indemnification and also Tier 2
4 regulations, and have those discussions.

5 Let's see. We ought to have the --

6 BOARD MEMBER BROWN: -- San Joaquin tour?

7 PRESIDENT CARTER: The discussion of -- I don't
8 know that we need to necessarily meet and discuss in the
9 open meeting about the San Joaquin tour. I think let's
10 find out what staff makes and what they can advise us as
11 far as Email will decide. Let's make that tentative.

12 BOARD MEMBER RIE: For Item No. 9, do we need to
13 consider approval of the mitigated Neg Dec's for these
14 acquisitions?

15 SENIOR ENGINEER BUTLER: Yes.

16 PRESIDENT CARTER: Nancy?

17 I believe so.

18 STAFF COUNSEL FINCH: Yes.

19 BOARD MEMBER RIE: Okay.

20 PRESIDENT CARTER: The discussion of the Board
21 priorities, we also have on, if not in January, shortly
22 thereafter, the discussion of the Sutter Bypass and what
23 the Board -- what the next steps are there, what the Board
24 wants to do.

25 BOARD MEMBER RIE: And, at some point, we

1 probably need to have a presentation from legal counsel on
2 the permitting issues with Fish and Wildlife in the
3 refuge. I don't know if anybody's worked on that or we
4 need more time for that.

5 PRESIDENT CARTER: Is that the Sutter National
6 Wildlife Refuge?

7 BOARD MEMBER RIE: We need to look into the legal
8 issues of that. So that's probably not in January, but --

9 PRESIDENT CARTER: That's part of the resolution
10 that we approved last month in terms of the staff is going
11 out to all the local property owners and informing them of
12 their legal responsibilities and work that will be
13 performed by DWR.

14 So I assume that's kind of ongoing.

15 Do we have any idea when staff will be ready to
16 let the Board know?

17 LEGAL COUNSEL CAHILL: I think not January.

18 PRESIDENT CARTER: Okay. So maybe February.
19 Maybe we'll have the general discussion of Sutter Bypass
20 in February instead of January.

21 Anything else?

22 BOARD MEMBER BROWN: That's a long agenda with
23 all of the mitigation for discussion.

24 VICE-PRESIDENT HODGKINS: Teri had mentioned the
25 idea of sorting through our priorities, which I personally

1 think is a great idea. And it's not on here.

2 PRESIDENT CARTER: I mentioned that, yeah.

3 VICE-PRESIDENT HODGKINS: Oh, you did? I'm
4 sorry.

5 PRESIDENT CARTER: Lorraine.

6 STAFF ANALYST PENDLEBURY: I have written down
7 that you would like a report from Dan on the second tier
8 only. Is that going to be an informational briefing?

9 PRESIDENT CARTER: That would be part of the item
10 where we discuss the subcommittee formation of the Tier 2
11 regulations.

12 So we'd expect the staff and the team to come
13 back to the Board with a recommendation on what the next
14 steps are, how they'd like to proceed, what that process
15 looks like, and if that involves a subcommittee or not.

16 BOARD MEMBER SUAREZ: Mr. President, if I can
17 suggest.

18 The Tier 2 discussion is one that we could
19 actually have in February, if it helps with the agenda,
20 which I know is getting long.

21 PRESIDENT CARTER: Okay. So we'll say January or
22 February.

23 BOARD MEMBER RIE: And that other subcommittee,
24 we could probably postpone that to February.

25 SECRETARY DOHERTY: Now we have a big agenda for

1 February.

2 (Laughter.)

3 PRESIDENT CARTER: And we were going to tour in
4 February too, weren't we?

5 SECRETARY DOHERTY: Yeah.

6 PRESIDENT CARTER: Cherokee Canal.

7 Well, in any case, we'll -- that gives us some
8 room to work with in terms of adjusting the size of the
9 agenda for January and February.

10 Anything else?

11 Any other ideas?

12 BOARD MEMBER BROWN: We have had two-day agendas.
13 I don't know whether that's of interest. But if you do,
14 you need to announce it --

15 PRESIDENT CARTER: Right.

16 BOARD MEMBER BROWN: -- if you think the agenda's
17 not going to cover it in one day.

18 PRESIDENT CARTER: Okay.

19 BOARD MEMBER RIE: I would be okay with, you
20 know, every other Friday if necessary. But the
21 Thursday-Friday, 12-hour days are difficult back to back.

22 PRESIDENT CARTER: All right. If there's nothing
23 else, ladies and gentlemen, have a wonderful holiday.

24 And we are adjourned.

25 //

1 (Thereupon the Central Valley Flood
2 Protection Board meeting adjourned
3 at 4:30 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing Central Valley Flood Protection Board meeting
7 was reported in shorthand by me, James F. Peters, a
8 Certified Shorthand Reporter of the State of California,
9 and thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 2nd day of January, 2009.

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22 JAMES F. PETERS, CSR, RPR

23 Certified Shorthand Reporter

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